IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.13887 of 2024

Kaushal Kumar Singh ..... ***Petitioner***

Represented By Adv. –
Mr. Bharat Bhusan Routray

-versus-

State Of Odisha ..... ***Opposite Party***

Represented By Adv. –

Mr. S.K. Parhi, ASC

CORAM:
THE HON'BLE MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER
11.12.2024

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).

2. Heard learned counsel for the Petitioner as well as learned Additional Standing Counsel appearing for the State-Opposite Party.

3. The present application has been filed by the Petitioners seeking pre-arrest bail in connection with Station Excise Satlite Unit Rourkela PR No.140 of 2024-25 dated 29.09.2024, corresponding to 2(a) C.C. Case No.1068 of 2024, pending in the court of learned J.M.F.C. (Rural), Rourkela, for alleged commission of offence punishable under Section 52(a) of the Odisha Excise Act.

4. It is stated by the learned counsel for the Petitioner that the

Petitioner is an owner of the hotel, from which, liquors kept illegally have been seized. Learned counsel for the Petitioner submitted that although the Petitioner is having some similar criminal antecedents, however he is ready and willing to abide by any terms and conditions that would be imposed by this Court in the event he is released on pre-arrest bail.

5. Learned counsel for the State, on the other hand, opposed the release of the Petitioner on pre-arrest bail on the ground that the Petitioner is a habitual offender. He further submitted that since the investigation is on, release of the Petitioner at this juncture would cause adverse impact on investigation.

6. Taking into consideration the aforesaid submissions made by the learned counsels appearing for the respective parties and on a careful examination of the materials on record, although this Court is not inclined to grant pre-arrest bail to the Petitioner, however it is directed that in the event the Petitioner surrenders before the Court in seisin over the matter within a period of four weeks from today and moves an application for bail, the Court in seisin over the matter shall release him on bail in connection with the aforesaid case on such terms and conditions as it may deem just and proper in the facts and circumstances of the case. While imposing conditions, the court in seisin over the matter shall also impose conditions whereby the Petitioner shall cooperate with the investigation and shall appear before the I.O. as and when his presence is required by the I.O. for the purpose of investigation; he shall not indulge in similar criminal offence while on bail; he shall appear before the local police station once

in a fortnight, preferably on 'Sunday' in between 10.00 A.M. to 1.00 P.M., for a period of three months. Violation of any of the conditions either imposed by this Court or the court in seisin over the matter shall entail cancellation of bail.

7. Further, the release of the Petitioner shall also be subject to furnishing a cash security of Rs.10,000/- (Rupees ten thousand) before the Court in seisin over the matter which shall be kept in interest bearing fixed deposit account in the name of the court in any nationalized bank and renewed from time to time till disposal of the case. The said deposit shall be subject to the final outcome of the trial.

8. Accordingly, the ABLAPL is disposed of.

Urgent certified copy of this order be granted on proper application.

(Aditya Kumar Mohapatra)
Judge

Debasis

Signature Not Verified
Digitally Signed
Signed by: DEBASIS AECH
Reason: Authentication
Location: ORISSA HIGH COURT
Date: 12-Dec-2024 17:25:23