IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.12512 of 2024

Rabindra Hembram **.....** ***Petitioner***

Represented By Adv. -
Mahes Das

-versus-

State Of Odisha **.....** ***Opposite Parties***

Represented By Adv. –

Mr. G. Mohanty, SC

CORAM:
THE HON'BLE MR. JUSTICE ANANDA CHANDRA BEHERA

ORDER
16.12.2024

Order No.

1. 1. This matter is taken up through hybrid mode.

2. This bail application under Section 483 of B.N.S.S., 2023 filed by the petitioner has arisen out of C.T. Case No.1505 of 2024 in connection with Maitri Vihar P.S. Case No.369 of 2024 pending in the court of learned S.D.J.M., Bhubaneswar for the offence U/s- 52(a) of the Odisha Excise Act.

3. Heard from the learned counsel for the petitioner and learned SC for the state.

4. The petitioner is in custody since 24.11.2024 on the allegation of illegal possession of 2000 litres of I.D. liquor.

5. The learned counsel for the petitioner submitted for liberal consideration of his bail contending that, the provided punishment for the offence, in respect of which, the petitioner has been implicated is within seven years and the alleged offence is

magisterial triable in nature, to which, the learned SC for the State vehemently objected contending that, the offences committed by the petitioner is against the society, for which, he (petitioner) should not be allowed to go on bail.

6. When, nothing appears from the presently available materials on record that, there was mixture of any noxious substance with the alleged seized liquor for making the same unfit for human consumption and when, the offence alleged against the petitioner is magisterial triable in nature, then at this juncture, by taking the above factors into account, it is felt proper to allow the petitioner to go on bail.

7. Therefore, the bail application filed by the petitioner is allowed.

8. He (petitioner) is allowed to go on bail on furnishing bail bond of Rs.50,000/-(rupees fifty thousand) with two solvent sureties each for the like amount to the satisfaction of the Court in seisin over the case with the conditions that :-

(i) he (petitioner) shall not involve with similar nature of crime in future.

(ii) he (petitioner) shall appear before the trial court personally on each date of adjournment of the case without fail.

(iii) he (petitioner) shall cooperate with the investigation as and when required.

(iv) he (petitioner) shall not terrorize, coerce, influence or threat to the witnesses of the prosecution either directly or indirectly in any manner whatsoever during trial of the case, but, in case of his failure to comply any of the aforesaid conditions, the learned trial court in seisin over the matter is authorized to cancel his bail order outrightly

without seeking any permission for the same from this Court.

9. Accordingly, the bail application filed by the petitioner is disposed of finally.

10. Grant certified copy of this order to the petitioner on proper application.

(ANANDA CHANDRA BEHERA)
Judge

Rati Ranjan

Signature Not Verified
Digitally Signed
Signed by: RATI RANJAN NAYAK
Designation: Senior Stenographer
Reason: Authentication
Location: High Court of Orissa, Cuttack, India.
Date: 16-Dec-2024 17:15:07