IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.14353 of 2024

Santosh Kumar Sahoo ..... ***Petitioner***

Represented By Adv. –
Ms. Anita Sahoo

-versus-

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

Represented By Adv. –

Smt. Siva Mohanty, ASC

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

ORDER
17.12.2024

Order No.

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

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

3. The present application has been filed under Section 482 of BNSS, 2023 by the Petitioner seeking pre-arrest bail in connection with EI & EB, Unit-1, Cuttack P.R. No.321/24-25, corresponding to 2(a) CC Case No.107 of 2024, pending in the court of learned J.M.F.C., Khandapada, for alleged commission of offence punishable under Section 52(a) of Odisha Excise Act, 2008.

4. Considering the facts of the case, this Court is not inclined to

grant pre-arrest bail to the Petitioner.

5. However, on the submission of the learned counsel for the Petitioner, the Petitioner is directed to surrender before the learned J.M.F.C., Khandapada in the aforesaid case in the first hour within four weeks hence and move for bail. On such event, the learned Magistrate shall consider his application for bail in the first hour strictly on the basis of the materials on record. In case of rejection of the bail application, the Petitioner may move for bail before the higher forum in the second hour. On such event, the higher forum shall consider and dispose of the bail application of the Petitioner on the same day strictly on the basis of the materials on record by maintaining the principles of parity, if applicable.

6. Case Diary be made available to the concerned courts on an application being filed prior to surrender before the court below. Records be transmitted to the higher forum at the cost of the Petitioner, if applied for.

7. The ABLAPL is, accordingly, disposed of.

Issue urgent certified copy of this order as per Rules.

(Aditya Kumar Mohapatra)
Judge

Debasis

Signature Not Verified
Digitally Signed
Signed by: DEBASIS AECH
Reason: Authentication
Location: ORISSA HIGH COURT
Date: 19-Dec-2024 13:36:48