

04.01.2018

This order arises out of a petition filed by the present petitioner- Ramesh Behera, U/s. 439 of Cr.P.C with a prayer to enlarge him on bail.

2). The precise case of the prosecution is that on 27.12.2017 evening at about 5 p.m. as per the instruction the Sub-Inspector of Excise EI & EB was doing patrolling duty at Jhintikapalli Chhaka. By that time he got information about illegal proliferation of liquor by the petitioner whereupon he searched the petitioner and found the petitioner with a Jerry Bag containing liquor like liquid. Then the Sub-Inspector of Excise searched the bag and recovered in total 15 liters of liquor like liquid. Then he tested the liquid and after coming into a finding that it was nothing but ID Liquor he seized the liquor, arrested the accused/petitioner and forwarded him to the court of Learned JMFC Banpur for commission of offence U/s. 52(a) Orissa Excise Act. Then the petitioner applied for bail before the Learned Court below which was turned down, being aggrieved the accused/petitioner moved the present petition.

3). In the course of hearing learned counsel for the petitioner submitted that the petitioner is innocent who has been falsely entangled in this case. In this premises he urged to the court to treat the case of the petitioner with leniency.

4). Per contra, the learned Addl. Public Prosecutor objected the release of the accused person on bail.

5). Heard. Perused the case record and found that the accused has been forwarded for commission of offence U/s. 52(a) Orissa Excise Act. Neither the case record suggests nor Prosecution has come up with any hypothesis suggesting spurious nature of the seized liquid. That apart the accused is a resident within the jurisdiction of the court, hence, there is less chance of his absconding from the process of law. There does not appear to be any

criminal antecedent as against the petitioner. Nothing could be produced by the Investigating Agency to show escalation of the gravity of the crime. The materials available on record does not indicate that the accused would flee from justice in case of his release on bail. Regard being had to the fact and circumstances of the case, I am inclined to enlarge him on bail. As such his bail petition stands allowed but subject to certain conditions.

6). Let the petitioner be released on his furnishing a bail bond of Rs. 15,000/- with one solvent surety for the like amount to the satisfaction of the learned JMFC, Banpur with further condition that:-

- i) He shall not commit similar type of offences during his currency of his bail period,
- ii) He shall not tamper with the evidence,
- iii) He shall not threaten the witnesses,
- iv) He shall co-operate in investigation.

Accordingly the BLAPL is disposed of.

Send the LCR along with the extract of the order to the learned JMFC, Banpur for information and necessary action.

Dictated

Asst. Sessions Judge, Banpur.