

Pramod Kumar Dalai vs State Of Odisha Opposite Party on 26 August, 2021

Author: S. Pujahari

Bench: S. Pujahari

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.9203 of 2021

Pramod Kumar Dalai	Petitioner
-versus-		
State of Odisha	Opposite Party

CORAM: JUSTICE S. PUJAHARI

ORDER

Order 26.08.2021

No.

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

2. The Petitioner apprehending his arrest in Cuttack Sadar P.S. Case No.35 of 2021, corresponding to G.R. Case No.123 of 2021, pending in the Court of J.M.F.C.(Rural), Cuttack, registered for alleged commission of offences punishable under Sections 420, 272, 273 read with Section 34 of the I.P.C., Sections 51, 52, 53, 56, 57, 59 and 63 of the Food Safety and Standards Act, 2006 and Section 16 of the Prevention of Food Adulteration Act, 1954, and Section 32 of the Meteorology Packing of Commodities Rule, 2011, has filed this petition for his release on pre-arrest bail.

3. Heard the learned counsel for the Petitioner and the learned counsel for the State.

4. Learned counsel for the Petitioner during course of argument submits that he does not want to press this petition for pre- arrest bail. However, it is submitted that since the Petitioner intends to surrender and move for bail before the court below, direction may // 2 // be given to the courts below to dispose of the bail application of the Petitioner on the same day.

5. Considering the submission made, it is observed that if the Petitioner surrenders in the aforesaid case in the first hour before the court of J.M.F.C.(Rural), Cuttack and makes a motion for bail, the learned J.M.F.C.(Rural), Cuttack shall consider and dispose of the same in accordance with law during the first hour. In case of rejection of the bail application, the Petitioner may move for bail before the next higher forum in the second hour and in that event, the bail application of the Petitioner shall be considered and disposed of by the higher forum in accordance with law on the

same day, if there is no other legal impediment. Release of the co-accused, if any, be addressed in proper perspective.

6. Records shall be transmitted to the higher forum. Cost, if any, shall be paid by the Petitioner.

7. However, the aforesaid order should not be construed as a protection from arrest till the date of surrender.

8. The ABLAPL is, accordingly, disposed of.

9. Urgent certified copy of this order be given on proper application.

(S. Pujahari) Judge DA