

Narendra Kumar Sahu vs State Of Odisha Opposite Party on 30 September, 2024

Author: Aditya Kumar Mohapatra

Bench: Aditya Kumar Mohapatra

IN THE HIGH COURT OF ORISSA AT CUTTACK
ABLAPL No.10658 of 2024
Narendra Kumar Sahu Petitioner
Represented By Adv. -
Jayanta Kumar Bal
-versus-
State Of Odisha Opposite Party
Represented By Adv. -
Mr.D.Nayak, A.G.A.

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

ORDER

30.09.2024 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 B.N.S.S. by the Petitioner seeking pre-arrest bail in connection with Berhampur Sadar P.S Case No.299 dated 20.09.2024, corresponding to G.R. Case No.1176 of 2024, pending in the court of learned J.M.F.C., Rural (Cog), Berhampur, for alleged commission of offences punishable under Sections 274, 275, 3(5), 318(4) of B.N.S. Act, 2023 read with Section 51,52,53,56,57,59,63 of Food Safety and Standards Act, 2006.
4. It is submitted by the learned counsel for the petitioner that the petitioner has been falsely implicated in the present case. He further contended that the petitioner has a valid license to produce the Pan Masala. He further contended that although the petitioner is producing Pan Masala with a valid license, however he has been implicated in three other similar cases. He further contended that the petitioner is on bail in all those cases. He further contended that he belongs to the locality therefore there is no chance of absconding.
5. Learned counsel for the State on the other hand objected to the release of the petitioner on bail on the ground that the petitioner is having similar criminal antecedent and that in the event the

petitioner is released on bail that there is every likelihood that he might indulge in similar criminal offences. He further contended that the Investigation is on. Therefore, the release of the petitioner at this juncture would cause delay in conclusion of the investigation as well as filing of the charge sheet.

6. Considering the nature of allegation, gravity of offence and the facts of the case, I am 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 three 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.

7. It is further directed that the bail granted to the Petitioner is subject to depositing a cash security of Rs.10,000/- (Rupees ten thousand) before the learned Court in seisin over the matter, which shall be kept in any Nationalized bank in interest bearing account initially for a period of one year which will be renewable from time to time till conclusion of trial and the same shall be abide by the final outcome of the trial of the case.

8. The release of the petitioner shall also be subject to following conditions:-

I) shall cooperate with the investigation and appear before the I.O. as and when his presence is required and shall cooperate with the early conclusion of the investigation.

II) shall not indulge in similar criminal offences.

III) shall not tamper with any prosecution witnesses or make any attempt to influence or gain over any of the prosecution witnesses.

IV) Shall appear before the learned trial court on each and every dates fixed unless prevented by any sufficient cause.

Violation of any of the terms and conditions shall entail cancellation of bail.

9. Accordingly, the ABLAPL is disposed of.

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

(Aditya Kumar Mohapatra) Judge Rubi Location: High Court of Orissa, Cuttack