

# Dilip Kumar Das And Another vs State Of Odisha .... Opposite Party on 16 November, 2021

**Author: S. Pujahari**

**Bench: S. Pujahari**

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.13734 of 2021

Dilip Kumar Das and another	....	Petitioners
-versus-		
State of Odisha	....	Opposite Party

CORAM: JUSTICE S. PUJAHARI

ORDER

Order  
No. 16.11.2021

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

2. The Petitioners apprehending their arrest in Cuttack Sadar P.S. Case No.455 of 2021, corresponding to G.R. Case No.1864 of 2021, pending in the Court of J.M.F.C.(R), 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, 63 of the Food Safety and Standards Act, 2006, Section 16 of the Prevention of Food Adulteration Act, 1954 and Section 32 of Legal Metrology (Package & Commodities) Rules, 2011, have filed this petition for their release on pre-arrest bail.

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

4. Learned counsel for the Petitioners 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 Petitioners intend to surrender and move for bail before the court below, direction may be given to the courts below to dispose of the bail application of the Petitioners on the same day.

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5. Considering the submission made, it is observed that if the Petitioners surrender in the aforesaid case in the first hour before the court of J.M.F.C.(R), Cuttack and make a motion for bail, the learned J.M.F.C.(R), 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 Petitioners may move for bail before

the next higher forum in the second hour and in that event, the bail application of the Petitioners 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. Case Diary be made available to the Court on the date of surrender, if intimated to the I.O. concerned.

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

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 granted on proper application.

(S. Pujahari) Judge DA