

ABLAPL No. 18163 of 2015

24.12.2015 Heard learned counsel for the petitioner and learned Addl. Government Advocate.

The petitioner is apprehending arrest for the alleged commission of offence under Section 47(a) of the Bihar and Orissa Excise Act in 2(a) C.C. No.20 of 2015 of the court of S.D.J.M., Banki, arising out of P.R. No. 27 of 2015-16 submitted by the S.I. of Excise, Sadar, Cuttack.

Since the offence allegedly committed by the petitioner involves possession of 45 litres of I.D. liquor, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, the application for anticipatory bail is rejected. However, considering the submission made by the learned counsel for the petitioner, the petitioner is given liberty to surrender before the learned S.D.J.M., Banki in the aforesaid case in first hour within a period of twenty-one days hence and file an application for bail. On such event, the learned S.D.J.M., Banki shall consider his application for bail in the first hour. 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.

Case Diary be made available to the concerned court. Records be transmitted by the learned S.D.J.M., Banki to the higher forum at the cost of the petitioner, if applied for.

It is made clear that this Court has not expressed any opinion on the merits of the case.

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

....

S.K.Mishra, J.