

**BLAPL No.2870 of 2021**

2      30.04.2021

This matter is taken up by video conferencing mode.

Heard learned counsel for the petitioners and Mrs. S.Sahoo, learned Additional Standing Counsel for the State.

This is an application under Section 439, Cr.P.C. for grant of bail to the petitioners in connection with P.R. Case No.62 of 2021 corresponding to 2(a) C.C.Case No.26 of 2021 pending in the court of the learned J.M.F.C., Banarpal for the alleged commission of offence under Section 52(a) (i) of the Odisha Excise Act.

Learned counsel for the petitioners submits that the petitioners are innocent persons and they are no way involved in the alleged offence and there is no criminal antecedent against the petitioners. The incriminating materials were not seized from the conscious and exclusive possession of the petitioner.

Considering the submissions made by the learned counsel for the parties and the materials available on record and the period of detention of the petitioners in custody, this Court is inclined to allow this bail application and direct that the petitioners be released on bail in the aforesaid case on such terms and conditions as would be deemed fit and proper by the learned trial court in addition to the following conditions:

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(i) they shall not commit similar offence, or any

other offence while on bail.

- (ii) they shall not directly or indirectly terrorize or threaten or try to influence the prosecution witnesses in any manner; and
- (iii) they shall not indulge in any sort of criminal activities while on bail.

Violation of any of the above conditions would entail cancellation of bail of the petitioner.

As the restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a printout of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed vide Court's Notice No.4587 dated 25<sup>th</sup> March,2020 as modified by Court's Notice No.4798 dated 15<sup>th</sup> April,2021.

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***P. Patnaik, J.***

