

**IN THE COURT OF THE SESSIONS JUDGE,
SUNDARGARH**

BAIL APPLICATION NO. 334 OF 2024

(Arising out of Inspector of Excise Sadar, Sundargarh PR No. 43 of 2024-25 U.s 52(a)(i) of Odisha Excise Act corresponding to 2(a)C.C. 571 of 2024 pending in the Court of learned SDJM, Sundargarh)

Biju Soreng, aged about 32 years, son of Late Sambaru Soreng, resident of village Bhabanipur, P.S. Sadar, District: Sundargarh.

... Petitioner

-v-

State of Odisha

... O.P.

Date of Argument : 08.07.2024

Date of Order : 08.07.2024

ORDER

This is a bail application under section 439, Cr.P.C. filed by the petitioner **Biju Soreng** through his learned Advocate for his bail.

A certificate has been given to the bail application that no other bail application has been filed or pending before this Court or in any other Court relating to this case. Today the learned Advocate for the petitioner filed a memo stating that no bail petition of the petitioner is pending in any other Court.

Perused the bail petition, the LCR and heard both the counsels on the point of bail of the petitioner and it is found, he has been implicated the case under section 52(a)(i) of the

Odisha Excise Act for illegal possession of 30 litres of I.D. liquor and it is the prosecution allegation that on 25.06.2024 at about 9.20 AM while the Inspector of Excise, Sadar, Sundargarh along with staff was performing patrol duty at village Bhabanipur, searched the house of the petitioner-accused and recovered two motor tubes each containing 15 litres of I.D. liquor from his living room and seized the same from his possession.

The learned counsel for the petitioner submitted, the petitioner is innocent of the allegation made against him and he is in jail custody since 25.06.2024 and he is a permanent resident of village Bhabanipur under Sadar P.S. limits in the district of Sundargarh and major part of the inquiry has been completed, so, there is no chance of tampering with the prosecution evidence and his absconding from the case.

The learned P.P. raised objection to the prayer of the petitioner as 30 litres of I.D. liquor was seized from him.

From the available materials on record, it is found, there is no criminal antecedent against the petitioner-accused regarding similar offence. The petitioner is a young man of 32 years old and a permanent resident within the jurisdiction of the trial Court. Therefore, keeping in view the nature and gravity of the offence, the stage of inquiry, his age, period of detention since 25.06.2024, his permanent abode and there is no criminal back ground against him regarding similar offence as per the available materials on record, I am inclined to admit him to be released on bail by furnishing bail bond of **Rs.15,000/- (Rupees Fifteen thousand)** only with one solvent surety for the like amount to the satisfaction of the

learned SDJM, Sundargarh with condition that he shall not commit similar offence while on bail.

Accordingly, the BLAPL is **allowed**.

Send back the LCR along with a copy of this order to the Court below for information.

Also send an extract of this order to Superintendent, District Jail, Sundargarh for information of the parties.

Sessions Judge, Sundargarh.