



IN THE HIGH COURT OF ORISSA AT CUTTACK
ABLAPL No.3034 of 2025

Ajit Kumar Behera

...

Petitioner

Mr. R.K. Pattanaik, Advocate

-versus-

State of Odisha

■ ■ ■ ■

Opposite Party

Mr. R.B. Dash, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

24.03.2025

Order
No.

01.

1. Heard learned counsel for the Petitioner and learned counsel for the State.
2. The Petitioner is seeking pre-arrest bail in connection with G.R. Case No.702(A) of 2024 pending on the file of learned JMFC, Jagannathprasad, Ganjam arising out of Jagannathprasad P.S. Case No.466 of 2024 for commission of offence punishable under Sections 126(2), 109(2), 351(2) and 3(5) of BNS.
3. This is the second journey of the Petitioner to this Court.
4. Learned counsel for the State opposes the prayer and submits that there is no change in circumstance.



5. It is trite that there cannot be any cap on successive applications for bail to be filed and more so in case of anticipatory bail.

6. It is submitted by the learned counsel for the Petitioner that the charge sheet in the case at hand has been filed and one of the co-accused has been released on bail (vide order dated 04.03.2025) by the learned Additional Sessions Judge. Hence, the Petitioner may be protected by pre-arrest bail.

7. It is further submitted that the Petitioner has seven criminal antecedents but fairly submits that the said antecedents relate to the Excise Act.

8. On a conspectus of the materials on record, ABLAPL is disposed of with the observation that the Petitioner may surrender before the learned JMFC, Jagannathprasad, Ganjam in connection with the aforementioned case within one month from today.

In the event of his surrender and motion for bail, the application for bail shall be considered by the learned JMFC, Jagannathprasad, Ganjam on merits in accordance with law in the first hour of the day.

In the event of rejection of the prayer for bail by the learned JMFC, Jagannathprasad, Ganjam, the Petitioner is at liberty to move the



higher forum for bail in the second hour on the same day.

9. On being so moved, the higher forum shall dispose of the bail application of the Petitioner on the same day on merit in accordance with law. In that event, the case diary be made available to the concerned courts to facilitate disposal of the bail application of the Petitioner and learned JMFC, Jagannathprasad, Ganjam is called upon to transmit the case record to the higher forum in the second hour in the event of rejection of such bail application.

10. Ground of parity, if any, may be considered by the learned court below if the same is canvassed by the learned counsel for the Petitioner at the time of consideration of the bail application.

11. Accordingly, the ABLAPL stands disposed of.

(V. NARASINGH)
Judge

Jina

Signature Not Verified

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Signed by: JINA DIGAL
Reason: Authentication
Location: High Court of Orissa
Date: 25-Mar-2025 15:42:22

