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The Odisha Excise Act, 2005

Section 85 - Provisions as to bail in offences other than non-bailable offence :-

1974. (2) The Investigating Officer shall, unless he proceeds under Section 75; after completion of investigation of any offence under this Act, submit a report through the Officer in Charge of the Excise Station, if he is below the rank of Officer in Charge of the Excise Station to the Judicial Magistrate having jurisdiction to inquire into or try the case and empowered to take cognizance of the offence if it appears that there is sufficient evidence to justify the forwarding of the accused to such Magistrate. 1) Whenever any person, other than a person accused of a non-bailable offence, is arrested or detained under this Act otherwise than under a warrant or appears or brought before a Court and is prepared at any time while in custody of the Officer arresting him or at any stage of the proceeding before such Court to give bail, such person shall be released on bail, with or without surety at the discretion of the Officer or the Court releasing him, (2) The State Government may, by notification, specify, which other officers below the rank of Excise Officer may release such person referred in Sub-section (1) Section 86 - on bail with or without surety