

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.1075 of 2022

Biju @ Bijay Kumar Kanungo and another ***Petitioners***

Mr. J.K. Majhi, Advocate

-versus-

State of Odisha ***Opposite Party***
Sk. Zafarulla, A.S.C. for State

**CORAM:
JUSTICE A.K.MOHAPATRA**

**ORDER
04.02.2022**

Order No.

01. 1. This matter is taken up through Video Conferencing mode.
2. Heard learned counsel for the Petitioners and learned counsel for the State. Perused the records.
3. This is an application under Section 438 Cr.P.C. filed by the Petitioners for anticipatory bail.
4. Considering the nature and gravity of offences alleged against the Petitioners, I am not inclined to release the Petitioners on bail. However, this Court directs that in the event the Petitioners surrender before the learned J.M.F.C.(R), Balasore, in C.T. Case No.468 of 2021, arising out of Balasore Sadar P.S. Case No.177 of 2021, they shall be released on bail on such terms and conditions as the learned Magistrate may deem just and proper, subject to verification by the court below that the liquor that was being illegally transported is not poisonous for human health.

5. It is further directed that in the event of release of the Petitioners, they shall not indulge in any offences, tamper with the evidence or threat to the prosecution witnesses and cooperate with the investigation of the case and further appear before the I.O. once in a fortnight, preferably on Sunday between 10 A.M. to 1 P.M., till conclusion of the trial.

6. The ABLAPL is accordingly disposed of.

7. As the restrictions due to resurgence of COVID -19 situation are continuing, learned counsel for the parties may utilize a print out 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 25th March, 2020 as modified by Court's Notice No.4798, dated 15th April, 2021 and Office Order dated 7th January, 2022.

(A.K. Mohapatra)
Judge