

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.11366 of 2022

***Babaji @ Naresh Chandra Sahoo
and another***

Petitioner

....
Mr.Sk.Zafarulla, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr. M.K.Mohanty, A.S.C.

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

**ORDER
16.09.2022**

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioners, learned Additional Standing Counsel for the State. Perused the records.
4. This is an application under Section 438, Cr.P.C. filed by the Petitioner for anticipatory bail, involving offence punishable under Section 52(a) of the Odisha Excise Act, 2008.
5. Considering the seriousness of the allegation, gravity of the offence and the facts of the case, although I am not inclined to grant anticipatory bail to the Petitioner, however it is observed that, in the event the Petitioner surrenders and moves for bail before the learned J.M.F.C., Konark in G.R. Case No.616 of 2022 corresponding to Gop P.S. Case No.331 of 2022 within a period of three weeks from today, they shall be released on bail on such terms and conditions as the learned Magistrate may deem just and proper in the facts and

circumstances of the case, but subject to furnishing cash security of Rs.5000/- (Rupees five thousand) which shall be kept in any Nationalised Bank in an interest bearing account in the name of the court in seisin over the matter.

While imposing conditions for bail, learned Magistrate shall also impose the following additional conditions –

- (i) The Petitioners shall appear before the I.O. and shall cooperate with the investigation as and when required by the I.O.;
- (ii) They shall appear before the trial court on each date fixed for trial, without fail;
- (iii) The Petitioners while on bail shall not indulge in similar nature of criminal offences.

Violation of any of the conditions shall entail cancellation of bail of the Petitioner.

6. The ABLAPL is disposed of accordingly.
7. Urgent certified copy of this order be granted as per rules.

(A.K. Mohapatra)
Judge