

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL NO.15556 OF 2021

Subal Behera @ Banguru & Others* *Petitioners

Mr.D. Sahoo, Advocate

-versus-

State of Odisha

.... ***Opposite Party***

Ms. Samapika Mishra, ASC.

CORAM:

MR. JUSTICE D.DASH

ORDER

22.09.2022

Order No.

03. 1. This matter is taken up through hybrid arrangement (physical/ virtual) mode.
2. The Petitioners having been implicated in connection with Bhadrak Excise Station P.R. No.99 of 2021-22 corresponding to 2(a)C.C. Case No.520 of 2021 pending on the file of learned S.D.J.M., Bhadrak running for the alleged commission of offence under section-52(a) of Odisha Excise Act, have filed this application under section-438 of Cr.P.C. for their grant of anticipatory bail in the event of their arrest in the above mentioned case.
3. Heard learned Counsel for the Petitioners and learned Counsel for the State.
4. Considering the submissions made and on going through the materials on record, as also the surrounding circumstances; while being not inclined to grant anticipatory bail to the Petitioners; it is observed that in the event the Petitioners surrender before the Court in seisin of the case within three weeks hence in the above mentioned case and move for their release on bail, the same shall be considered on its own merit; further taking into account the factum of grant of bail to the co-accused persons, if

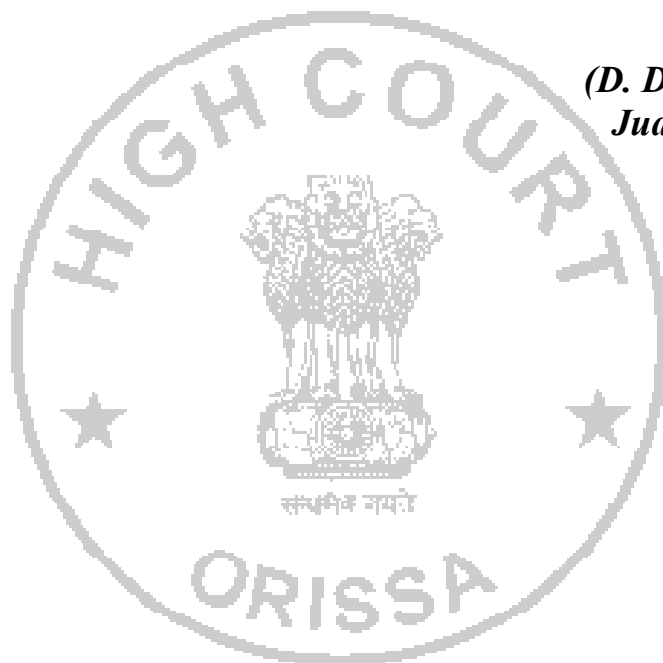
similarly situated with the Petitioners on the ground parity as per law and disposed of during the first hour so as to enable the Petitioners to approach the next higher forum during the course of the day, in case necessity so arises unless there stands any legal impediment.

The case records be made available at the cost of the Petitioners.

5. The ABLAPL is accordingly disposed of.

Issue urgent certified copy as per rules.

Narayan



**(D. Dash),
Judge.**