

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**ABLAPL No.15943 of 2021**

**1. Sanjib Kumar Samal  
@ Mitu**

**2. Akshay Kumar Nayak .... Petitioners**

*Mr.S.K. Lenka, Advocate*

*-versus-*

**State of Odisha**

**....**

**Opp. Party**

*Mr.D.K. Pani,  
Addl. Standing Counsel*

**CORAM:  
JUSTICE S.K. SAHOO**

**ORDER**

**07.04.2022**

**Order No.**

02. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

Learned counsel for the petitioners submits that petitioner no.1 Sanjib Kumar Samal @ Mitu has been taken into custody and therefore, this anticipatory bail application so far as petitioner no.1 has become infructuous.

Heard learned counsel for the petitioner no.2 and learned counsel for the State.

This is an application under section 438 Cr.P.C. for grant of anticipatory bail to the petitioner no.2 in connection with Chauliaganj P.S. Case No.443 of 2021 corresponding to G.R. Case No.1577 of 2021 pending before the learned J.M.F.C. (City), Cuttack for commission of alleged offence

under section 52(a) of Odisha Excise Act.

Learned counsel for the State submitted that he has not received any instruction relating to criminal antecedents, if any, against petitioner no.2.

Considering the submissions made by the learned counsel for the petitioner no.2 that the offence is triable by Magistrate, release of the co-accused person on bail and on hearing the learned counsel for the State, I am inclined to release the petitioner no.2 on anticipatory bail and accordingly, this Court directs that in the event of arrest of the petitioner no.2 in connection with the aforesaid case, he shall be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties each for the like amount to the satisfaction of the arresting officer with further conditions that he shall make himself available for interrogation by the I.O. as and when required and he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing any facts to the Courts or to the Investigating Officer. Violation of any of the above conditions shall entail cancellation of bail.

The ABLAPL is accordingly disposed of.

Issue urgent certified copy as per Rules.

**( S.K. Sahoo )**  
**Judge**