



IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No. 14164 of 2025

Nikunja Bihari Samantaray Petitioner

Ms. B. Mishra, Advocate

-versus-

Union of India Opposite Party
(Enforcement Directorate)

Mr. S.K. Dwivedy, Retainer Counsel

CORAM: JUSTICE V. NARASINGH

ORDER

19.12.2025

Order No.

- 01.** 1. Heard learned counsel for the Petitioner and learned Retainer Counsel for the Union of India (Enforcement Directorate).
2. The Petitioner is seeking pre-arrest bail in connection F.No.:BBZO/19/2021 instituted by the Enforcement Directorate, Bhubaneswar.
3. It is submitted by the learned counsel for the Petitioner that in response to the summons at Annexure-1 in the year 2024, the Petitioner joined the investigation in connection with aforementioned F.No.:BBZO/19/2021.
4. It is stated that notwithstanding such cooperation raids were conducted at the residence of the Petitioner. And, by way of memo summons have submitted indicating that the Petitioner is required to appear on 17.12.2025.



On instruction, it is stated that the said summons was received yesterday (18.12.2025). The said summons is taken on record and it is apt to note that the same relates to the same F.No.:BBZO/19/2021 as noted hereinabove.

It is apt to note that the matter was on Board of this Court yesterday (18.12.2025) and was adjourned to this day.

5. Mr. Dwivedy, learned Retainer Counsel for the Enforcement Directorate submits that the apprehension of the Petitioner is misconceived in as much as the summons have been issued to him to cooperate with the investigation. As such the ABLAPL is not maintainable.

6. Considering the rival submission and in the light of the judgment of the Apex Court in the case of **Gurbaksh Singh Sibbia & Others Vrs. State of Punjab**, reported in **(1980) 2 SCC 565** and reiterated in the case of **Dhanraj Aswani vs. Amar S. Mulchandani & Ors.** reported in **(2024) 10 SCC 336**, this Court is of the considered view that the apprehension of the Petitioner is not "fanciful" and as such the ABLAPL is maintainable.

7. Taking into account the nature of allegations qua the Petitioner which has been reflected in the Annexure to the summons which is taken on record,



it is directed that the Petitioner shall appear before the I.O. on 24.12.2025 at 11:30 am to receive further instruction.

8. It is stated at the Bar that the Petitioner is suffering from kidney ailment.

This Court has no iota of doubt that the Investigating Agency shall take note of the same.

9. List this matter on 20.01.2026.

In the meanwhile, it is directed that the petitioner shall not be taken into custody in connection with F.No.:BBZO/19/2021 by the Enforcement Directorate till the next date.

(V. NARASINGH)
Judge

Ayesha