

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.1470 of 2022

Jalandhar Naik

Petitioner

....

Mr.J.N.Panda, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr.M.K.Mohanty, A.S.C.

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

17.10.2022

Order No.

02. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner, learned Addl. Standing Counsel for the State. Perused the records.
3. This is an application under Section 438, Cr.P.C. filed by the Petitioner for anticipatory bail, involving offence punishable under Section 406 of the Indian Penal Code read with Section 7 of the E.C.Act.
4. It is submitted by the learned counsel for the Petitioner that the Petitioner is the owner of the vehicle in which PDS rice was illegally transported. It is further submitted by the learned counsel for the Petitioner that one Rajib Lochan Satpathy who was supplying PDS rice has already been enlarged on bail in ABLAPL No.2932 of 2022 vide order dated 04.05.2022 and ABLAPL No.2933 of 2022 vide order dated 04.05.2022. It is further submitted by the learned counsel for the Petitioner that the PDS rice which was illegally transported has been recovered.

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., Kesinga in C.T.Case No.21 of 2022 arising out of Kesinga P.S.Case No.21 of 2022 within a period of three weeks from today, he 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.

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

- (i) The Petitioner shall cooperate with the investigation and appear before the I.O. as and when required by the I.O.;
- (ii) He shall not indulge in similar nature of criminal offence while on bail;
- (iii) He shall appear before the learned trial court on each and every date fixed.

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