

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 3317 of 2022

Debasish Jena @ Babuni

....

Petitioner

*Mr. Chiranjaya Mohanty,
Advocate*

-Versus -

State of Odisha

....

Opposite Party

*Mr. S.K. Mishra,
Additional Standing Counsel*

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

30.06.2022

Order No.

3.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned Additional Standing Counsel for the State.
3. The petitioner is in custody since 09.02.2022 in connection with Excise E.I. & E.B. Unit-2 Cuttack P.R. No. 59 of 2021 corresponding to 2(a) CC Case No.37 of 2021 pending in the court of learned 1st Additional Sessions Judge, Cuttack for the alleged commission of offence under Sections 468/471/420/407/34 of IPC.
4. It is alleged that the petitioner is the son of one Ajay Jena, who is the owner of a Truck which was engaged in transporting materials on behalf of a transporter m/s. Nidhi Logistic. It is further alleged that the truck was loaded with iron rods from different farms, but it did not reach its destination, as the driver informed that the truck had developed some engine trouble in the

Kanjipani Ghat. One Kishore Kumar Naik, the proprietor of the transporter lodged FIR alleging that the said Ajay Jena and the present petitioner were attempting to misappropriate the entire load by forging the license plate as also by creating certain documents like way bill etc. The total value of the consignment is said to be Rs.17,57,226/-. As it appears, the vehicle was seized along with the load and therefore the intended offence was not committed. However, part of the consignment was sold to one Prakash Chandra Sahoo. The same has since been recovered from Prakash Chandra Sahoo and the remaining part of the consignment has also been recovered. Thus, the entire consignment appears to have been recovered. The charge sheet has already been submitted. The petitioner is in custody since 09.02.2022.

5. Having regard to the above facts, I am inclined to allow the prayer for bail. Let the petitioner be released on bail on such terms and conditions as the court in seisin over the matter may deem fit and proper to impose including the condition that he shall personally appear before the trial court on each date of posting of the case personally and in case of even a single default, necessary order shall be passed to take him into custody.

6. The BLAPL is accordingly disposed of.

7. Urgent certified copy of this order be granted on proper application.

(Sashikanta Mishra)
Judge