

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.7866 of 2022

Bibhu Prasad Sahoo

....

Petitioner

Mr. A.N. Samantaray, Advocate

-versus-

State of Odisha

....

Opposite Party

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

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

22.07.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner and learned Addl. Standing Counsel for the State.
3. This is an application under Section 438, Cr.P.C. filed by the Petitioner for anticipatory bail, involving offences punishable under Sections 379/411/34, I.P.C. and Section 12 of the Orissa Mines and Minerals Theft Act and Section 21 of the MMDR Act.
4. Learned counsel for the Petitioner submits that the Petitioner is the owner of the vehicle in which coal was transported illegally. He further submits that the Petitioner had no knowledge about that consignment and he has been falsely implicated by the police. He also submits that the Petitioner has no similar nature of criminal antecedents.

5. Considering the nature of allegation, gravity of the offence and the facts of the case, I am not inclined to grant anticipatory bail to the Petitioner. However, it is observed that, in the event the Petitioner surrender before the learned J.M.F.C., Chhendipada in G.R. Case No.316 of 2022 corresponding to Industrial (NISA) P.S. Case No.64 of 2022 within a period of three weeks from today, the Petitioner shall be released on bail on such terms and conditions as the learned Magistrate may deem just and proper, subject to verification of criminal antecedents of the Petitioner. If it is found more than two similar natures of criminal antecedents against the Petitioner, this bail order shall not be given effect to.

6. The ABLAPL is disposed of accordingly.

7. Urgent certified copy of this order be granted as per rules.

(A.K. Mohapatra)
Judge