

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

**ABLAPL No.9889 of 2022**

***Girish Chandra Behera***

....

***Petitioner***

*Mr. S.K. Bhanjadeo, Advocate*

*-versus-*

***State of Odisha***

....

***Opposite Party***

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

**CORAM:**

**JUSTICE A.K.MOHAPATRA**

**ORDER**  
**22.08.2022**

**Order No.**

02. 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 offence punishable under Sections 379/120-B/34, I.P.C. and Section 12 of the Orissa Mines & Minerals (Prevention of Theft Smuggling Activities Act, 1989) and Section 51 of Odisha Miner Minerals Concession Rules, 2004.
4. It is submitted by learned counsel for the Petitioner that the Petitioner is the owner of the tractor which was seized while carrying laterite stone illegally and the Petitioner had no knowledge about such transportation. He further submits that the Petitioner does not have any criminal antecedent of similar nature.

5. Considering the nature 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 S.D.J.M., Khurda in G.R. Case No.1147 of 2022 corresponding to Khurda P.S. Case No.348 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, but subject to the further following conditions –

- (i) the petitioner shall not allow the vehicle in question to be further used in similar nature of offence, while on bail;
- (ii) He shall cooperate in the investigation by appearing before the I.O. as and when required;
- (iii) 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**