

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.13837 of 2022

Bibekananda Jena

....

Petitioner

Mr. Susampad Hota, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Debasis Biswal, A.S.C.

CORAM:

JUSTICE CHITTARANJAN DASH

ORDER

14.11.2022

Order No.

02.

1. Heard learned counsel for the Petitioner and the State.
2. This is an application for bail U/s.438 Cr.P.C. filed by the Petitioner in apprehension of arrest for his alleged involvement in the offences U/s. 120-B/379/411, I.P.C. and Section 21 of the M.M.D.R. Act in connection with Colliery P.S. Case No.542 of 2022 corresponding to G.R. Case No.2500 of 2022 pending in the Court of learned S.D.J.M., Talcher.
3. Learned counsel for the State submits that there are as many as five Criminal Antecedents of similar nature against one Bikash Pradhan, the person named in the F.I.R.
4. Learned counsel for the Petitioner submits that there is no direct allegation against the present Petitioner for having participated in the crime except that he is the owner of the JCB involved in carrying the stolen coal. He further submits that the Petitioner has

no criminal antecedents too, but he is apprehending arrest for the fact that the vehicle of which he is the owner, is involved in the alleged incident, and accordingly he submits for consideration of his bail.

5. It is alleged that said Bikash Pradhan of village Kandhal is allegedly to be the organizer of the entire coal smuggling and he is performing escort-cum-pilot to the coal loaded truck inside mines. He has implicated the present Petitioner in this case, and the present Petitioner being the owner of the vehicle cannot absolve himself from the alleged theft of coal transported in the vehicle, as alleged in the F.I.R. This Court, therefore, is not inclined to grant anticipatory bail to the Petitioner.

6. Accordingly, the prayer for bail is rejected and the ABLAPL is dismissed.

सन्धिपति न्याये

(*Chittaranjan Dash*)
Judge

S.K. Parida