

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.14013 of 2022

***Amulya Kumar Pradhan @
Amulya Pradhan***

Petitioner
....
Mr. Bipin Kumar Nayak, Advocate

-versus-

State of Odisha

Opposite Party
....
Mr. Debasis Biswal, A.S.C.

**CORAM:
JUSTICE CHITTARANJAN DASH**

**ORDER
18.11.2022**

Order No.

03.

1. Heard the learned counsel for the Petitioner and the State.
2. By means of this application U/s.438 Cr.P.C., the Petitioner seeks grant of bail in apprehension of arrest for his alleged involvement in the offences U/s. 379/411/34, I.P.C. and under Section 51(1)(i) of the Orissa Minor Minerals Concession Rules, 2004, in connection with Delanga P.S. Case No.279 of 2022 corresponding to G.R. Case No.773 of 2022 pending in the Court of learned J.M.F.C., Pipili.
3. It is alleged that, on 02.09.2022 at about 9.30 A.M. the Informant – ASI of Police namely Sudam Charan Nayak of Delanga P.S. lodged a written report informing that he along with other police personnel from Delanga P.S. while doing evening patrolling duty, received reliable information to the effect that one truck bearing No. OR 09 F 2881 is engaged in transporting laterite stones illegally extracted from the stone quarry and proceeding from Jharapada side

towards Kanti. On receipt of the information, he along with other police staff proceeded to the spot in order to ascertain the veracity of the information and found the above noted vehicle and they chased after that vehicle and intercepted it at Daya river embankment near Rengal High School. On seeking the police personnel, the driver of the truck left the vehicle near Rengal High Way and managed to escape in the darkness. On verification, they detected the truck was loaded with 120 pieces of laterite stones, which were seized along with the vehicle. On the basis of the report as above, P.S. Case was registered and investigation was commenced. The present Petitioner claiming himself to be the owner of the truck, apprehends his arrest and has moved in the present.

4. It is submitted by learned counsel for the Petitioner that he is completely unaware of such transportation of laterite stone in his vehicle allegedly to have been extracted from the quarry and he has no nexus whatsoever in the alleged crime and he being the owner of the vehicle has reasonable apprehension of his arrest in connection with the present case and, as such, prays for consideration of his bail.

5. Learned counsel for the State on the other hand vehemently opposed the bail application contending that the truck in question could not have been moved without the instruction of the owner and further the fact that illegal extraction of stone has become rampant in the area putting huge loss to the State exchequer and also

destabilizing the environment cannot be taken leniently while considering the application of bail of the petitioner.

6. Having regard to the submissions made by the parties, considering the seriousness and gravity of the offence and further the fact that the truck was carrying laterite stone without having any authority whatsoever and the fact that the theft of stone being not individual but public property, causing huge loss to the State exchequer besides detrimental to the interest of the society that contributes to the degrading of the environment, this Court while not inclined to admit the Petitioner to bail, keeping in view the fact that the Petitioner's name does not find place in the F.I.R., if the petitioner so chooses, may surrender and move for bail before the court below in seisin over the matter. And, in such event learned court in seisin over the matter shall do well to deal with the application for bail on its own merit, keeping in view the aforesaid facts and circumstances of the case and shall dispose of the bail application without being influenced by any observation made here in this order, preferably on the same day, if there be no legal impediment.

7. The ABLAPL is disposed of accordingly.

(Chittaranjan Dash)
Judge

S.K. Parida