

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9658 of 2021

Bubu @ Sutanu Bhusan Swain Petitioner
Ms. A. Hota, Advocate

-Versus-

State of Odisha Opposite Party
Mr. S.N. Das, Additional Standing Counsel

CORAM:
MR. JUSTICE R.K. PATTANAIK

ORDER
11.01.2022

Order
No.

01. 1. This matter is taken up through video conferencing mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. This is an application under Section 439 of Cr.P.C for grant of bail to the petitioner in connection with Colliery P.S. Case No.425 of 2021 corresponding to G.R. Case No.1830 of 2021 pending in the file of learned S.D.J.M., Talcher on the grounds stated therein.
4. Perused the FIR and impugned order dated 27.10.2021 as at Annexure-2.
5. Gone through the contents of the FIR.
6. Learned counsel for the petitioner submits that present accused is alleged of being involved in illicit transportation of coal in two vehicles but the accused persons nabbed at the spot have been granted bail by the orders of the learned court below and considering the fact that on the confessional statement of said

accused persons, the petitioner has been implicated, he should be enlarged on bail with any conditions which is objected to by the learned counsel for the State.

7. In fact, in two vehicles, the alleged coal was being transported at the time when it was intercepted and thereafter, FIR was lodged. The learned counsel for the petitioner submits that four other accused persons involved in the illegal transportation of coal have been granted bail and the estimated value of coal which was allegedly carried in two vehicles stands at Rs.98,000/- which is even reflected in the FIR. As it appears the petitioner's bail has been rejected by the learned court below primarily on account of him having criminal antecedents, details of which are mentioned in the impugned order i.e. Annexure-2 itself. It is revealed that as many as 14 criminal cases are there to the credit of the petitioner. In response, the learned counsel for the petitioner submits that each time the accused has been falsely roped in merely for having criminal antecedents. As informed to this Court, the accused is in judicial custody from the month of October, 2021. The vehicles along with coal have been seized by the local police. The charge sheet has been filed in the meantime after closure of investigation.

8. Taking into account the filing of the charge sheet, period of detention and release of other similarly situated accused persons on bail, the Court is of the humble opinion that the petitioner should be enlarged on bail with stringent conditions.

9. In the result, the petitioner is allowed to go on bail on furnishing a bail bond of Rs.40,000/-(rupees forty thousand) with one solvent surety for the like amount to the satisfaction of the learned court below in seisin over the matter with conditions that he shall not involve himself in any such similar kinds of criminal activities, while on bail; and shall attend the PS and report the IIC

concerned once in a fortnight preferably on Sunday between 10 AM to 1 PM and continue to do so for a period of next six months without fail.

10. In case, any of the above conditions is/are violated, it shall forthwith entail cancellation of bail granted to the petitioner.

11. The BLAPL is disposed of.

12. As the restrictions due to the COVID-19 situation are continuing, learned counsel for the parties may utilize a soft copy of this order available in the High Court's website or print out thereof at par with certified copy in the manner prescribed, vide Court's Notice No.4587, dated 25 March, 2020 as modified by Court's Notice No.4798, dated 15th April, 2021, and Court's Office Order circulated vide Memo Nos.514 and 515 dated 7th January, 2022.

(R.K. Pattanaik)
Judge