

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No. 14716 of 2022

Kanhu Charan Jena

....

Petitioner

Mr. S. K. Jena, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. Shashanka Patra, A.S.C.

CORAM:

JUSTICE CHITTARANJAN DASH

ORDER

12.12.2022

Order No.

- 03.
1. Heard the learned counsel for the Petitioner and the State.
 2. By means of this application, the Petitioner seeks grant of bail under Section 438, Cr.P.C. in anticipation of arrest for his alleged involvement in the offence under Sections 379/411/34, I.P.C. and Section 21 of the M.M.D.R. Act, in connection with Jankia P.S. Case No.354 of 2022 corresponding to G.R. Case No.1734 of 2022 pending in the Court of learned S.D.J.M., Khurda.
 3. It is alleged that, based on the information received from the R.I., Achyutpur, the Informant, who is the Addl. Tahsildar, Tangi, Khordha came to know that during random checking, the R.I. with the assistance of police managed to round up a vehicle having Registration No.OD-02-AV-2544 and on search of the vehicle it was found to be loaded with 16 nos. of Khandalite stone. Though the driver of the vehicle was instructed to submit relevant documents or the authority against transportation but he failed to

produce any document that ultimately resulted in lodging of the F.I.R.

4. Learned counsel for the State, on the direction of the Court, while obtained the up-to-date Case Diary, stated no criminal antecedent appearing against the present petitioner.

5. In such view of the matter, this Court while not inclined to grant anticipatory bail, directs that in the event the Petitioner surrenders before the court in seisin over the matter and moves for bail, the learned court shall consider their application keeping in view the fact that there is no criminal antecedent stands to their credit, and shall dispose of the bail application of the petitioner on the same day if there be no legal impediment. In case the court intends to grant bail, shall do so on such terms and conditions as would be deemed just and proper, so also with the conditions that the Petitioner shall tender an undertaking that he shall not engage his vehicle in carrying / transporting any articles including stone in any manner without proper documentation. Violation of the terms and conditions shall entail the bail automatically stands cancelled.

6. The ABLAPL is disposed of accordingly.

(Chittaranjan Dash)
Judge