



IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.12328 of 2025

Rajesh Kumar Sharma

..... *Petitioner(s)*

Ms. Diptirekha Nanda, Adv.

-Versus-

State of Odisha

..... *Opposite Party(s)*

Smt. Sarita Moharana, ASC

CORAM:

DR. JUSTICE SANJEEB K PANIGRAHI

ORDER

17.12.2025

Order No.

01.

FIR No.	Dated	Police Station	Case No. and Courts' Name	Sections
0320	15.10.2025	Badmal	Badmal P.S. Case No.320 of 2025 corresponding to C.T. Case No.912 of 2025 in the file of learned J.M.F.C. Jharsuguda	Section 316(4) of B.N.S., 2023

1. This matter is taken up through hybrid arrangement.
2. Heard learned counsel for the Parties.



3. The petitioners, currently in judicial custody in connection with Badmal P.S. Case No.320 of 2025 corresponding to C.T. Case No.912 of 2025 in the file of learned J.M.F.C. Jharsuguda registered for the alleged commission of offences under Section 316(4) of B.N.S., 2023, has filed the present application seeking release on bail.

4. The prosecution case in brief is that the Petitioner was working as delivery executive in Instakart Service Pvt. Ltd. Hub Operation at Badmal, who responsibility is to deliver shipment to customers and collect the amount from customers who opted for cash on delivery. On 10.10.2025, the accused had taken 36 numbers of shipments for delivery. Out of 36 numbers of shipments, he has undelivered 2 numbers of shipments at the hub with the value of Rs.28,726/-. Remaining 34 numbers of shipments delivered by him, where he was delivered 13 numbers of prepaid shipments with the value of Rs.3786/- and 21 numbers of shipment delivered on cash on delivery whose value was Rs.3,03,594/-. On verification it was found that the accused had collected all the money by delivering 21 numbers of COD shipments by cash and not deposited the same at Hub and refused to pay the collected amount.



5. Learned counsel for the Petitioner submits that there is no evidence that 21 number of shipments value delivered to the Petitioner. He further submits that some of the articles have been returned to the company. Four witnesses have been examined during trial and have not supported the prosecution allegation. The Petitioner has been in judicial custody since 16.10.2025. Accordingly, it is prayed that the Petitioner be released on bail.

6. Learned counsel for the State vehemently opposes the prayer for bail of the Petitioner.

7. Without delving into the intricacies of the case or the merits of the allegations, and in light of the facts and circumstances at hand, it is directed that the Petitioner be released on bail in the aforesaid case with some stringent terms and conditions as deems just and proper by the learned court *in seisin* over the matter with further conditions that:-

- i. The petitioner shall appear before the trial court on each date of posting of the case.
- ii. The petitioner shall not indulge himself in any criminal offence while on bail.
- iii. The petitioner shall not tamper with the evidence or intimidate the prosecution witnesses in any manner.



Violation of any of the above conditions shall lead to cancellation of the bail.

8. The BLAPL is accordingly disposed of.

(Dr. Sanjeeb K Panigrahi)
Judge

Sumitra