

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.6177 of 2021

Magidi Majhi @ Medenga

.... ***Petitioner***
Mr. S.K. Dash, *Advocate*

-versus-

State of Odisha

.... ***Opp. Party***
Mr. K.K. Nayak, *A.S.C.*

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

06.01.2022

Order No.

05.

1. This matter is taken up through Hybrid Arrangement (Video Conferencing/Physical Mode).
2. Heard Mr. S.K. Dash, learned counsel for the Petitioner and Mr. K.K. Nayak, learned counsel for the State.
3. This is an application under Section 439 of the Criminal Procedure Code.
4. The Petitioner is an accused in T.R. No.55 of 2020 on the file of learned Additional Sessions Judge-cum-Special Judge, Gunupur facing trial for the offence punishable under Section 20(a)(i) /25 of the N.D.P.S. Act.
5. It has been alleged that on getting some information, the police of Chandrapur Police Station along with excise staff raided one forest land where huge plantation of cannabis plants were made near by the village area and they have known in a reliable source the present petitioner along with other persons have been cultivated in the said area.
6. It is submitted on behalf of the Petitioner that some of the co-accused persons on similar footing with the present Petitioner have

already been released on bail by this Court and the Petitioner is in custody since 19.07.2021. He further submits that the Petitioner does not have any criminal antecedents.

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

8. Having heard learned counsel for the parties and considering the period of detention of the Petitioner and the co-accused persons have already been released on bail, it is directed that let the Petitioner be released on bail on furnishing a bail bond of Rs.50,000/- (rupees fifty thousand) with one solvent surety for the like amount to satisfaction of the learned court in seisin over the matter subject to conditions that the Petitioner shall not be involved in any similar nature of offence and he shall appear before the concerned Police Station once in a week preferably on 'Sunday' in between 10.00 A.M. to 1.00 P.M. for a period of one month from the date of release.

9. It is open for the court in seisin over the matter with such other conditions may deem just and proper.

10. It is further directed that the bail granted to the Petitioner is subject to the condition that learned court below shall verify whether the Petitioner has any criminal antecedents. In the event it is found that the Petitioner has any criminal antecedents, this bail order shall automatically be revoked. Other terms and conditions shall be fixed by the court in seisin over the matter.

The Bail Application is accordingly disposed of.

Urgent certified copy of this order be granted on proper application.

Judge

