

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9035 of 2021

Manikeswar Sabar @ Mulakeswar Gamango ***Petitioner***

Mr. S.K.Nayak,
Advocate

State of Odisha ***-versus-*** ***Opposite Party***
.....
Mr.S.K.Mishra,
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER
03.01.2022.

Order No.

01. 1. This matter is taken up through hybrid mode.
2. Heard Mr. S.K.Nayak, learned counsel for the Petitioner and Mr. S.K.Mishra, learned Addl. Standing Counsel for the State.
3. The petitioner is in custody since 2nd September, 2021 in connection with Padmapur P.S. Case No.16/2021 corresponding to T.R. Case No.34/2021 pending in the court of learned Addl. Sessions Judge-cum-Special Judge, Gunupur for the alleged commission of the offence under Section 20(a) (b)

(i) of the NDPS Act read with Section 27(1)(a) of the Odisha Forest Act.

4. The prosecution allegation is that in course of special drive for destruction of hemp plants (ganja) conducted by police and excise staff it was found that cannabis cultivation has been carried out in a huge area measuring about 30 acres. Accordingly, the cannabis plants were seized and destroyed. The Petitioner voluntarily surrendered to custody during investigation and it is alleged that he is the mastermind of such cultivation. It is submitted by the Petitioner that he is in no way connected with the alleged occurrence and had surrendered voluntarily only because he was being pursued by police.

5. Learned Addl. Standing Counsel for the State, on the other hand, opposed the prayer for bail by submitting that the Petitioner's complicity is well proved from the materials collected so far during investigation.

6. Having regard to the submissions made, the materials on record and the fact that the cannabis plants have already been destroyed and there is nothing specific to show the complicity of the Petitioner in the cultivation of the said ganja plants, I am inclined to take a lenient view in the matter.

7. Let the Petitioner- Manikeswar sabar @ Mulakeswar Gamango be released on bail on such terms and conditions as

may be imposed by the court in seisin over the matter including the condition that he shall appear before the I.I.C. of Padampur P.S. in the district of Rayagada every Monday till submission of final form.

8. The BLAPL is disposed of.

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

AKB



(Sashikanta Mishra)
Judge