

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9266 of 2021

Md. Abdul @ Abul Hasan Khan ... **Petitioner**

Mr. A.K. Mishra, Advocate

- Versus -

State of Odisha ...

Opposite Parties

Mr. P. Tripathy,
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

10.02.2022

Order No.

2.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned Addl. Standing Counsel for the State.
3. The petitioner is in custody since.10.09.2021 in connection with Madanpur Rampur P.S. Case No.169 of 2021 corresponding to C.T. Case No. 340 of 2020 pending in the Court of learned J.M.F.C., Madanpur Ranpur for the alleged commission of offence under Section 395/120-B of IPC read with Sections 25 & 27 of the Arms Act.
4. The allegation is that the petitioner being associated with some other persons armed with deadly weapons committed theft of Kendu leaf from Ekatarra Kendu Leaf Phadi. The value of the Kendu Leaves stolen is stated to be Rs.7,00,000/- Subsequently the said Kendu leaves were sold in the State of West Bengal.
5. It is submitted by learned counsel for the petitioner that except the statement of one Md. Khursid Ali @ Dablam, who is a co-accused, there is no other material to show involvement of the petitioner in the alleged occurrence. Even in the statement of said

Md. Khursid Ali @ Dablam, the only thing that has been stated against the petitioner is that, he had informed the other co-accused persons about the Ekataru Kendu Leaf Phadi.

6. Learned Additional Standing Counsel has opposed the prayer for bail by submitting that huge quantity of Kendu Leaf was stolen and sold in the State of West Bengal.

7. Considering the submissions made, the materials on record, the period of detention has already undergone and the fact that the petitioner appears to have been implicated in the offence only on the basis of the statement of the co-accused, I am inclined to allow the prayer for bail. Let the petitioner be released on bail on such terms and conditions as the court in seisin over the matter may deem fit and proper to impose including the condition that he shall personally appear before the trial Court on each date of posting of the case, failing which it shall be open to the trial Court to pass such adverse order as it may deem fit and proper.

8. BLAPL is accordingly disposed of.

9. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge

A.K. Rana