

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10356 of 2022

Madan Majhi

....

Petitioner

Mr. J.K. Panda, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
14.11.2022

Order No.

01.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the Petitioner and learned counsel for the State.
3. The Petitioner is an accused in Special G.R. Case No.35 of 2022 pending on the file of learned Sessions Judge-cum-Special Judge, Malkangiri, arising out of Mathili P.S. Case No.33 of 2022, for commission of the offence under Section 20(b)(ii)C of the NDPS Act.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Special Judge, Malkangiri by order dated 26.07.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is on record that the charge sheet has been filed on 29.07.2022 and the consideration by the learned Court in seisin over the matter was on 26.07.2022.
6. Taking into account that the contraband (Ganja) seized is to the tune of 256 Kg, this Court is not persuaded to consider this

bail application since the learned Court in seisin had applied its mind before filing of the charge sheet.

7. In view of the same, the Petitioner is permitted to move the learned Court in seisin over the matter afresh who shall consider the same on its own merit without being influenced by the earlier rejection or the order passed by this Court.

8. Accordingly, the BLAPL stands disposed of.

9. Urgent certified copy of this order be granted as per rule.

(V. NARASINGH)
Judge

PKS

