

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10523 of 2021

**Nepal @ Jashobanta
Majhi**

...

Petitioner

Mr. J.N.Panda, Advocate

- Versus -

State of Odisha

...

Opposite Party

Mr. S.K.Mishra,
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

21.01.2022

Order No.

1.

1. This matter is taken up through virtual mode.
2. Heard learned counsel for the petitioner and learned Addl. Standing Counsel for the State.
3. The petitioner is in custody since.09.09.2021 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 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 Ekatarra 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. As the restrictions due to resurgence of Covid-19 situation are continuing, learned counsel for the parties may utilize a printout of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed vide Court's Notice No. 4587, dated 25th March, 2020, modified by Notice No. 4798, dated 15th April, 2021, and Court's Office Order

circulated vide Memo Nos. 514 and 515 dated 7th January, 2022.

(Sashikanta Mishra)
Judge

A.K. Dhal

