

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 5475 OF 2021

Mukesh Kumar Pradhan

***..... Petitioner
Mr. Devashis Panda, Adv.***

-versus-

State of Odisha (Excise)

***..... Opposite Party
Mr. K.K. Gaya, ASC***

**CORAM:
JUSTICE V. NARASINGH**

**ORDER
22.04.2022**

Order No.

05.

1. This matter is taken up through Hybrid Mode.
2. The petitioner is an accused in 2(a) C.C No. 21 of 2020 on the file of the Learned Special Judge-cum-Sessions Judge, Cuttack, arising out of EI & EB, Unit-II (CD) Cuttack P.R. No. 59 of 2020-21, for commission of alleged offence under Sections-20(b)(ii)(C) of N.D.P.C., Act and is in custody since 08.10.2020.
3. Being aggrieved by the order dtd. 08.07.2021 passed by the Learned Sessions Judge-cum-Special Judge, Cuttack in 2(a) C.C. No. 21 of 2020, rejecting the bail application of the petitioner, the present BLAPL has been filed.
4. Heard Mr. Devashis Panda, learned counsel for the petitioner and Mr. K.K. Gaya, learned Additional Standing Counsel for the State.
5. Learned counsel for the petitioner submits that, after being released on interim bail for a period of three weeks by order dtd.

16.08.2021 in I.A. No. 735 of 2021, the petitioner has surrendered on expiry of interim bail period.

6. It is submitted by learned counsel for the petitioner that the was driving the vehicle to earn his livelihood. As ill luck would have it, the vehicle was found to be carrying contraband beyond permissible limit and he has been roped in as he was the driver though he had no complicity.

7. It is further submitted by the learned counsel for the petitioner that in the meanwhile trial has commenced and the only independent witness- Suraj Pradhan has not supported the prosecution.

8. Learned counsel for the State referring to the quantity of contraband seized, opposed the prayer for bail, in view of the statutory bar.

9. Considering the materials on record vis-à-vis the petitioner and taking note of submission that the only independent witness has not supported the prosecution, this court directs the petitioner to be released on bail on such terms and conditions to be fixed by the learned Court in seisin over the matter, so as to ensure his presence on each date of trial.

10. The Bail Application thus stands disposed of.

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