

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.12236 of 2022

Siba @ Shiba Prasad Mishra ***Petitioner***
Mr. Bhojaraj Seth, Advocate
-versus-

State of Odisha and another ***Opposite Parties***
Mr. M.K. Mohanty, A.S.C. along with
Mr. Chandrakanta Pradhan
Sr. Panel Counsel,
Government of India

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

26.09.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the petitioner and learned Additional Standing Counsel for the State.
3. This is an application under Section 438, Cr.P.C. filed by the petitioner for anticipatory bail.
4. The petitioner is seeking pre-arrest bail in connection with NCB Case No.3/21 dated 12.01.2021 for the offence punishable under Sections 20/25/29 of the N.D.P.S. Act by Zonal Director N.C.B., Lucknow, Uttarpradesh pending in the court of learned DS/FTC/NDPS Act Magistrate Court District Sonbhadra.
5. It is submitted by learned counsel for the petitioner that the petitioner received summons from the Magistrate Court District Sonbhadra in connection with NCB Case No.3/21 dated 12.01.2021 for the aforesaid offences under the NDPS Act. It is further

submitted by learned counsel for the petitioner that the petitioner is aged about 21 years and he is a student. Further, it is submitted that while the petitioner was going on the road, a truck driver enquired about the route and incidentally, took his phone number. For navigation, the truck driver contacted the petitioner a couple of times. Further, it is stated that the petitioner had no other relationship with the truck driver. Later on, it was found that the said truck was carrying contraband articles and as such, the said truck was seized by the NCB, Lucknow. On investigation, they found that some telephone calls have been made by the truck driver to the petitioner as a result of which the notice was to be issued to the petitioner. He further contends that neither the petitioner was arrested from the spot nor any criminating materials including contraband articles were recovered from the petitioner.

6. Learned counsel appearing for the N.C.B. submits that investigation is going on and notice was issued to the petitioner in course of such investigation to know about his involvement.

7. Considering the submissions, it is directed that the petitioner shall be released on transit bail in the event of his arrest in connection with NCB Case No.3/21 dated 12.01.2021 on the file of learned Zonal Director N.C.B., Lucknow, Uttarpradesh pending in the court of learned DS/FTC/NDPS Act Magistrate Court District Sonbhadra for a period of four weeks subject to such terms and conditions as would be deemed fit by the Arresting Officer. It is open for the petitioner to surrender before the learned Magistrate before the jurisdictional court and move any application, if so advised.

8. With the aforesaid observation/direction, the bail application

stands disposed of.

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

(A.K. Mohapatra)
Judge

Jagabandhu

