

IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLMC No.1804 of 2021

Pradeep Kumar Mishra @ Muna ***Petitioner***
Mr. R.N. Biswal, Adv.

-versus-

State of Odisha & Anr. ***Opposite Parties***
Miss. Sanjibani Mishra, ASC

CORAM:
JUSTICE S.K. PANIGRAHI

ORDER
18.01.2022

Order No.

01. 1. This matter is taken up through Video Conferencing mode.
2. Heard learned counsel for the Petitioner and learned Additional Standing Counsel for the State.
3. In this CRLMC under Section 482 of the Cr.P.C. the Petitioner has made a prayer to quash the impugned order dated 23.12.2014 issuing N.B.W. against him and the entire proceeding in C.T. Case No.96 of 2014, arising out of Padwa P.S. Case No.25 of 2014, pending in the court of the learned Additional Sessions Judge-cum- Additional Special Judge, Koraput for commission of offences under Section 20(b)(ii)(C)/ 27(A) of the N.D.P.S. Act on the ground that co-accused persons have been acquitted in the meantime.
4. The case of prosecution is that on 25.06.2014 at about 10.40 P.M., as per the direction of I.I.C., Podwa Police Station, while the S.I. of Podwa Police Station along with his staff were conducting raid near Pujariput Hatapada, found a jeep bearing Registration No.OR-10-4810 was coming from Bada Bedavata and was proceeding towards Nadapur. They made signal to stop the vehicle. But the driver of the vehicle drove the vehicle in

high speed. However, they could able to stop the vehicle and surrounded. They detained two persons in that vehicle. The driver and another person fled from the vehicle. On verification, they found some gunny bags loaded in the rear seat of the vehicle containing 73 Kgs of Ganja in total. On being asked, the said two accused persons gave their identification as Balaram Khilla and Laba Hantal and other two escaping persons were the driver Bhagaban Panasputia of Nandapur and Gobinda Guntha of Padwa.

5. Upon hearing the learned counsel for the Petitioner and on perusal of the materials on record, it is found that the present Petitioner is the owner of the alleged vehicle and he was all along absconding during investigation and the trial. Therefore, it is not found appropriate to entertain this application filed by the Petitioner praying to quash the order issuing N.B.W. as well as the entire criminal proceeding in the aforesaid case.

6. In view of the above, this CRLMC is dismissed.

7. As the restrictions due to resurgence of Covid-19 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 Advocate concerned with his/her seal, in the manner prescribed vide Court's Notice No.4587 dated 25th March, 2020 and Court's Office Order dated 7th January, 2022.

(S.K. Panigrahi)
Judge