



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLREV No.302 of 2026

CNR No. ODHC010285762026

Dr. Ashok Kumar Behera* *Petitioner(s)

Mr. Sidheswar Mallik, Advocate

-versus-

***State of Odisha (Vigilance) Opposite Party(s)*
*and another***

Mr. Sangram Das, SC (Vigilance)

CORAM: JUSTICE SIBO SANKAR MISHRA

ORDER

18.08.2026

Order No.

03.

1. Heard.

2. In the present petition, the petitioner has challenged the order dated 06.04.2026 passed by the learned Additional District & Sessions Judge-cum-Special Judge, Vigilance, Angul in Criminal Misc. Case No.10 of 2026, whereby his application seeking NOC/Court permission for issuance of passport by the Passport Authority has been rejected.

3. The petitioner is an accused in Cuttack Vigilance P.S. Case No.34 of 2013 arising out of T.R. Case No.01 of 2022.

4. The petitioner had applied for issuance of passport. The Passport Authority vide letter dated 16.02.2026 directed the petitioner to obtain the NOC/permission from the concerned court where the criminal cases against him were pending and he was



facing trial. Pursuant to the said direction, the petitioner moved an application before the learned Additional District & Sessions Judge-cum-Special Judge, (Vigilance), Angul being registered as Criminal Misc. Case No.10 of 2026, *inter alia*, praying for grant of NOC for the purpose of obtaining the passport. The said application has been turned down by the learned trial Court vide order dated 06.04.2026. Aggrieved by the aforesaid order, the petitioner has approached this Court by filing the present petition.

5. Learned counsel for the petitioner has drawn the attention of this Court to the judgment passed by this Court in W.P.(C) No.5362 of 2025, particularly paragraph-18 thereof, which reads thus:-

“18. From a conspectus of the facts, contentions raised and the analysis made, this Court holds that the decision of the authorities to refuse NOC to the petitioner on the ground of pendency of disciplinary proceedings/criminal cases against him indirectly amounts to infringement of his fundamental right to liberty as per Article 21 of the Constitution of India. The impugned order therefore, deserves interference.”

Relying upon the aforementioned ratio, the petitioner has approached this Court seeking a direction to the concerned Court and the Vigilance Authorities for issuance of an NOC for the purpose of obtaining a passport. The Hon’ble Supreme Court in ***Maneka Gandhi v. Union of India & Anr., (1978) 1 SCC 248***, has held that the right to travel abroad is a



part of the personal liberty guaranteed under Article 21 of the Constitution of India and that any procedure depriving a person of such liberty must be fair, just and reasonable. The said decision also emphasises that the procedure prescribed by law must withstand the requirements of Articles 14 and 19 of the Constitution of India.

6. In the light of the aforesaid settled position of law, the prayer of the petitioner for issuance of an NOC for obtaining a passport ought to have been considered by the learned trial Court in the proper perspective. The aforesaid view also finds support from the judgment of the coordinate Bench of this Court in W.P.(C) No.5362 of 2025, disposed of vide judgment dated 11.11.2025.

7. Mr. Das, learned Standing Counsel for the Vigilance Department, submits that there is a likelihood of the petitioner being a 'flight risk'. It is contended that the petitioner has neither disclosed the proposed itinerary of his travel nor furnished the address and other particulars of his intended stay. He further submits that the petitioner has been avoiding his appearance before the trial Court leading to prolongation of the trial. On the aforesaid grounds, he opposes for issuance of the passport.

8. Taking into consideration the submissions made by both the parties and keeping in view the facts



and circumstances of the case, I am of the view that the petitioner is entitled to obtain a passport. Hence, the impugned order dated 06.04.2026 passed by the learned Additional District & Sessions Judge-cum-Special Judge, (Vigilance), Angul in Criminal Misc. Case No.10 of 2026 is set aside. Accordingly, the learned trial Court ought to have granted the NOC sought for by the petitioner for the purpose of obtaining the passport. The learned trial Court is, therefore, directed to pass an appropriate order granting NOC to the petitioner for issuance of the passport.

Needless to say that as and when the petitioner is willing to travel abroad, it is obligatory on his part to obtain permission from the concerned Court. To allay the apprehension of the submission of Mr. Das, learned Standing Counsel for the Vigilance Department, it is really worth noting that the petitioner whenever would travel abroad, he shall furnish the particulars and itinerary.

9. With this observation, the CRLREV is disposed of.

(S.S. Mishra)
Judge

Signature Not Verified

Digitally Signed
Signed by: SWARNAPRAVA DASH
Designation: Senior Stenographer
Reason: Authentication
Location: High Court of Orissa
Date: 20-Aug-2026 11:53:21

