

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**CRLMC No. 1418 of 2022**

|                                  |     |                                                                             |
|----------------------------------|-----|-----------------------------------------------------------------------------|
| <b>Pintu @ Dibyaranjan Baral</b> | ... | <b>Petitioner</b><br>Mr. D. Panda, Advocate                                 |
| - Versus -                       |     |                                                                             |
| <b>State of Odisha</b>           | ... | <b>Opposite Party</b><br>Mr. A. Pradhan,<br>learned Addl. Standing Counsel. |

**CORAM:  
JUSTICE SASHIKANTA MISHRA**

**ORDER**  
**31.05.2022**

**Order No.**  
**1.**

1. This matter is taken up through hybrid mode.
2. It is submitted that defect as pointed out by SR has been removed.
3. Heard learned counsel for the petitioner and learned Addl. Standing Counsel for the State.
4. The petitioner had earlier approached this Court in ABLAPL No. 2671 of 2022. By order dated 05.04.2022, this Court granted liberty to the petitioner to surrender before the Court below and to move for bail which shall be disposed of in accordance with law expeditiously. It is observed that on 25.04.2022 on the prayer of the I.O., NBW was issued against the petitioner. On the same day charge sheet having been submitted, the case was adjourned for production of the present petitioner. Significantly, it was observed that other accused persons were released on bail by the I.O. in compliance to the order of this Court passed in ABLAPL No. 2671 of 2022.
5. It is submitted by Mr. D. Panda, learned counsel for the petitioner that issuance of NBW was totally unnecessary as the

I.O. had full knowledge of passing of the order in ABLAPL No. 2671 of 2022. It is further submitted that learned Court below also took note of the above order in respect of the co-accused persons. Hence, it is submitted, issuance of NBW/A amounts to nullifying the order passed by this Court.

6. Learned Addl. Standing Counsel fairly submits that the petitioner was in fact granted liberty to surrender and move for bail in the Court below.

7. Considering the submissions as above and the materials on record, this Court holds that issuance of NBW by the Court in the circumstances indicated above appears to be unwarranted.

8. The CRLMC is therefore, allowed. The order dated 25.04.2022 in so far as it relates to issuance of NBW against the accused-petitioner is hereby quashed. The petitioner is directed to surrender in the Court below as per order passed in ABLAPL No. 2671 of 2022 within a period of three weeks hence.

9. Issue urgent certified copy as per rules.

(Sashikanta Mishra, J)  
Vacation Judge

A.K. Rana