

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 1591 of 2022

Shyam Sundar Nayak

....

Petitioner

Mr. Sakti Prasad Das, Advocate

-Versus-

State of Orissa

....

Opposite Party
Mr. T.K. Praharaj, SC

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
21.09.2022

Order No.

01.

1. Heard learned counsel for the petitioner and learned counsel for the State.
2. Instant petition under Section 482 Cr.P.C. is filed by the petitioner challenging the order of NBW dated 16th January, 2018 passed by the learned Additional Sessions Judge, Bhubaneswar in T.R. No.74 of 2013 corresponding to PR No.20/13-14 of I.E. Dist. Mobile, Bhubaneswar Excise Charge on the grounds stated therein.
3. Perused the copy of the PR No.20/13-14 of I.E. Dist. Mobile, Bhubaneswar Excise Charge at Annexure-1 and copy of the impugned order dated 16th January, 2018 as at Annexure-2.
4. Learned counsel for the petitioner submits that the petitioner was earlier on bail but subsequently, NBW has been issued against him on 16th January, 2018 since he defaulted in appearance. It is further submitted that the petitioner could not know about the date fixed by the learned court below nor his Advocate had taken any step, as a result of which, the impugned

order was passed and considering the fact that he was on previous bail, the petitioner should be directed to surrender and allowed to go on bail with conditions.

5. The Court perused the order dated 16th January, 2018 but does not find any illegality being committed by the learned court below. In fact, the petitioner failed to turn up and on account of his default and since the defense counsel did not take any step on his behalf, the learned court below rightly issued the NBWA against him. However, at this juncture, the Court is of the view that in the facts and circumstances of the case, the petitioner should be directed to surrender before the court below and released on bail with conditions which instead would serve the purpose.

6. Accordingly, it is ordered.

7. In the result, the CRLMC stands disposed of with a direction to the petitioner to surrender before the court of learned Additional Sessions Judge, Bhubaneswar on or before 30th September, 2022 in T.R. No.74 of 2013 corresponding to PR No.20/13-14 of I.E. Dist. Mobile, Bhubaneswar Excise Charge and in the event of his surrender, the court below shall release him on bail subject to conditions.

8. An urgent certified copy of this order be issued as per rules.

(R.K. Pattanaik)
Judge