

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1885 of 2022

Sanjay @ Taju Husain @ Md. *Petitioner*
Tajub Husain
-versus-
State *Opposite Party*

CORAM: JUSTICE S. PUJAHARI

Order
No.

ORDER
03.08.2022

01. 1. This matter is taken up through hybrid mode.
2. This application under Section 482 of Cr.P.C. has been filed by the Petitioner with a prayer to quash the order dated 31st January, 2020 passed by the learned Additional Sessions Judge(K), Bhubaneswar in T.R. No.79/23 of 2018 wherein N.B.W.(A) has been issued against him.
3. Heard the learned counsel for the Petitioner and the learned counsel for the State-Opposite Party.
4. It appears that the Petitioner, who has been indicted in a case under Section 20(b)(ii)(B) of the N.D.P.S. Act, was on bail and facing trial, but when the case was posted on 31st January, 2020 for framing of charge, he did not appear before the Court below and no step was taken on his behalf on the date fixed, as such, N.B.W.(A) has been issued against him vide the aforesaid order to secure his attendance. However, the Petitioner has challenged the same in this petition, but during course of hearing, it is submitted by the learned counsel for the Petitioner that the Petitioner is now ready and willing to surrender before the trial Court and

cooperate with the trial and as such, the order of N.B.W.(A) be quashed and the trial court may be directed to allow him on same bail.

5. Considering the facts and submissions made, especially the circumstances in which the N.B.W.(A) was issued, this Court thus finds no reason to interfere with the impugned order.

6. But, if the Petitioner would surrender to custody of the Court in seisin over the matter within fifteen days hence and moves for bail, the Court in seisin over the matter shall allow him to go on bail on such terms and conditions including the condition that he shall cooperate with the trial.

7. Till the aforesaid date, i.e., either the date of surrender before the trial Court or on expiry of four weeks, whichever is earlier, the Petitioner shall not be arrested pursuant to the N.B.W.(A) issued. But, on failure to comply with the order, there is no impediment to arrest him pursuant to the N.B.W.(A) issued.

8. It is made clear that in spite of this order, if the Petitioner after his release again makes default in appearance, in the next coercive steps to be taken, this fact also be reflected by the trial court.

9. With the aforesaid order, this CRLMC stands disposed of.

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

(S. Pujahari)
Judge

DA