

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2042 of 2022

Chittaranjan Rout and another .... Petitioners  
Mr. Sushanta Harichandan, Advocate

-Versus-

State of Orissa .... Opposite Party  
Mr. Pradip Kumar Rout, AGA

CORAM:  
MR. JUSTICE R.K. PATTANAİK

**ORDER**  
07.09.2022

Order No.

01.

1. Heard learned counsel for the petitioners and learned counsel for the State.
2. Instant petition under Section 482 Cr.P.C. has been filed by the petitioners praying for quashing of the order of NBW dated 5<sup>th</sup> October, 2021 passed by the learned Sessions Judge-cum-Special Judge, Cuttack in 2(a) C.C. Case No.38 of 2019 on the grounds stated therein.
3. Perused the impugned order at Annexure-1.
4. Learned counsel for the petitioners submits that the petitioners were apprehended with the allegation of carrying contraband ganja of below commercial quantity. It is further submitted that the petitioners were granted bail by this Hon'ble Court in BLAPL No.8275 of 2019 on 6<sup>th</sup> November, 2019 but when, the case was posted to 5<sup>th</sup> November, 2021, they were found absent, as a result of which, the court below issued the non-bailable warrants of arrest against them and posted the matter to 20<sup>th</sup> December, 2021 for their production. The learned counsel for the

petitioners submits that the absence was unintentional and therefore, they may be allowed to surrender and released on bail. However, the Court does not find any error having been committed by the court below so as to warrant any interference as the petitioners did not appear on the date fixed for which the impugned order was passed. Further, the Court is of the view that the petitioners should be allowed to surrender and go on bail subject to the terms and conditions fixed by the court below. Accordingly, it is ordered.

5. The petitioners are directed to surrender before the court below on or before 27<sup>th</sup> September, 2022 in 2(a) C.C. Case No.38 of 2019 and move for bail and in such an event, they shall be released on bail with conditions as deemed fit and proper by the court below.

6. The CRLMC application stands disposed of.

**(R.K. Pattanaik)**  
**Judge**