

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2831 of 2022

Pabitra Kumar Biswal @ Babuna

....

Petitioner

Mr. Sanjib Mohanty, Advocate

-Versus-

State of Odisha

....

Opposite Party

Mr. Rajesh Kumar Tripathy, SC

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

01.11.2022

Order No.

- 01.
1. Heard learned counsel for the petitioner and learned counsel for the State.
 2. The present challenge is as to the issuance of NBWA by an order dated 6th July, 2022 passed in G.R. Case No. 1174 of 2012 arising out of Balikuda P.S. Case No. 201 of 2012 by the learned court of SDJM, Jagatsinghpur on the grounds stated therein.
 3. Perused the copy of the impugned order which is at Annexure-1.
 4. Learned counsel for the petitioner submits that the petitioner was on bail in the year 2013 but subsequently, NBWA was issued against him on 6th July, 2022 fixing his production on 18th October, 2022. It is further submitted that the default of the petitioner was unintentional and not deliberate and he could not know about the

date fixed by the learned court below, as a result of which, the impugned order was passed and considering the fact that he was on bail, the petitioner should be directed to surrender and allowed to go on bail with conditions.

5. Having gone through the impugned order of issuing NBWA, the Court does not find any error or legal infirmity therein, as the learned court below correctly passed the order. However, having regard to the fact that he was on bail, the Court is of the view that the petitioner should be directed to surrender and released on bail subject to conditions imposed by the court below.

6. Accordingly, it is ordered.

7. In the result, the CRLMC stands dismissed. Regard being had to the facts and circumstances of the case, the petitioner is directed to surrender before the court of learned SDJM, Jagatsinghpur on or before 18th November, 2022 in G.R. Case No. 1174 of 2012 arising out of Balikuda P.S. Case No. 201 of 2012 and in the event of his surrender, the court shall release him on bail with conditions and till then, there shall be no coercive action taken against him on NBWA.

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

(R.K. Pattanaik)
Judge