

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2853 of 2022

Premananda Behera

.... **Petitioner**  
Mr. Pradipta Beura, 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 22<sup>nd</sup> November, 2019 passed in G.R. Case No. 246 of 2003 by the learned J.M.F.C., Athagarh on the grounds stated therein.
  3. Perused the copy of the impugned order which is at Annexure-1.
  4. Instead of pressing the matter on merit, the learned counsel for the petitioner submits that the petitioner was on bail from the year 2003 but subsequently, NBWA was issued against him on 22<sup>nd</sup> November, 2019 fixing his production on 3<sup>rd</sup> January, 2020. It is further submitted that the default of the petitioner was unintentional

and the petitioner 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 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 learned court of J.M.F.C., Athagarh on or before 18<sup>th</sup> November, 2022 in G.R. Case No. 246 of 2003 and in the event of his surrender, the court shall release him on bail with conditions.

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

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