

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2877 of 2022

Biji & Bijay Kumar Behera

....
Mr. Sanjit Mishra, Advocate

Petitioner

-Versus-

State of Odisha

....
Mr. Rajesh Kumar Tripathy, SC

Opposite Party

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 16th August, 2022 passed in Special G.R. Case No. 98 of 2019 by the learned Adhoc Additional District Judge (FTSC), Cuttack on the grounds stated therein.
 3. Perused the copy of the F.I.R. which is at Annexure-1 also the impugned order is at Annexure-2.
 4. Learned counsel for the petitioner submits that the petitioner was on bail in the year 2020 but subsequently, NBWA was issued against him on 16th August, 2022 fixing his production on 15th September, 2022. It is further submitted that the default of the petitioner was unintentional and not deliberate and therefore, the

order should be recalled. It is further submitted that 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, he 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 Adhoc Additional District Judge (FTSC), Cuttack on or before 18th November, 2022 in Special G.R. Case No. 98 of 2019 arising out of Govindpur P.S. Case No. 34 of 2019 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