

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3166 of 2022

Surendra Parida & Others

....

Petitioners

Mr. C.R.Dash, Advocate

-Versus-

State of Odisha

....

Opposite Party

Mr. Tapas Kumar Praharaj, SC

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
04.11.2022

Order No.

- 01.
1. Heard learned counsel for the petitioners and learned counsel for the State.
 2. The present challenge is as to the issuance of NBWAs by an order dated 28th September, 2022 passed in T.R. Case No. 140 of 2018 arising out of Airfield P.S. Case No. 263 of 2017 by the learned Additional Sessions Judge, Bhubaneswar on the grounds stated therein.
 3. Perused the F.I.R. which is at Anneuxre-1 so also the impugned order i.e. Anneuxre-2.
 4. Learned counsel for the petitioners submits that the petitioners were on anticipatory bail in the year 2017 but subsequently, NBWAs were issued against them on 28th September, 2022 fixing their production on 18th November, 2022. It is further submitted that the default of the petitioners was unintentional and not deliberate and

therefore, the order should be recalled. It is further submitted that the petitioners 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 they were on bail, the petitioners should be directed to surrender and allowed to go on bail with conditions.

5. Having gone through the impugned order of issuing NBWAs, 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 they were on bail, the petitioners 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 disposed of with a direction to the petitioners to surrender before the court of learned Additional Sessions Judge, Bhubaneswar on or before 23rd November, 2022 in connection with in T.R. Case No. 140 of 2018 arising out of Airfield P.S. Case No. 263 of 2017 and in the event of their surrender, the learned court below shall release them on bail subject to conditions.

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

(R.K. Pattanaik)
Judge