

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 3440 of 2022

Baijayantimala Sahu

.... Petitioner
Mr. Raghunath Biswal, Advocate

-Versus-

State of Odisha

.... Opposite Party
Mr. Sitikanta Mishra, ASC

CORAM:
MR. JUSTICE R.K. PATTANAIK

ORDER
02.12.2022

Order No.

- 01.
1. Heard learned counsel for the petitioner and learned counsel for the State.
 2. The challenge in the present case is to the impugned order dated 2nd January, 2016 passed by the learned J.M.F.C., Motu at M.V.-79 in 2(c)C.C. No.01 of 2008 whereby a NBWA has been issued against the petitioner.
 3. Learned counsel for the petitioner submits that at the stage of appearance, NBWA has been issued against the petitioner since she did not turn up in response to the summons of the court below and considering the said fact, petitioner may be directed to surrender and thereafter, go on bail which would serve the purpose.
 4. An objection is received from Mr.S.Mishra, learned Additional Standing Counsel for the State.

5. Prosecution Report against the petitioner has been submitted for having committed an offence under Section 7 of the Essential Commodities Act. The said PR is of the year 2008 and for nearly 8 years, the appearance of the petitioner could not be ensured and finally NBWA was issued in 2016. Considering the above facts and circumstances of the case and that the learned court below has issued NBWA in 2016, almost after 8 years from the date of receiving Prosecution Report, the Court is of the view that the petitioner should be directed to surrender before the court below and released on bail.

6. Accordingly, it is ordered.

7. In the result, the CRLMC stands disposed of with a direction to the petitioner to surrender before the learned J.M.F.C., Motu at M.V.-79 in 2(c)C.C. No.01 of 2008 and in the event she surrenders, the court below shall release her on bail with conditions keeping in view the facts and circumstances of the case.

8. Issue urgent certified copy of this order on proper application.

(R.K. Pattanaik)
Judge