

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3572 of 2022

Nibarana @ Nirban Sahu

....

**Petitioner**

Mr. Asutosh Tripathy, Advocate

-Versus-

State of Odisha

....

**Opposite Party**

Mr. Sitikanta Mishra, ASC

**CORAM:  
MR. JUSTICE R.K. PATTANAİK**

**ORDER  
29.11.2022**

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 23<sup>rd</sup> March, 2022 passed in 2(a) C.C. No.26 of 2004 by the learned JMFC, Banarpal on the grounds stated therein.
  3. Perused the impugned order which is at Anneuxre-1.
  4. Learned counsel for the petitioner submits that the petitioner was on bail in the year 2003 but subsequently, NBWA has been issued against him by order dated 23<sup>rd</sup> March, 2022 as he defaulted in appearance but such default was unintentional. It is further submitted that due to non-appearance, the impugned order was passed and considering the fact that he was on previous bail, the petitioner should be directed to surrender and allowed to go on bail with conditions.

5. The Court does not find any error or legal infirmity in the impugned order dated 23<sup>rd</sup> March, 2022, inasmuch as, the learned court below rightly passed the order since the petitioner defaulted on the date fixed, however, in the facts and circumstances of the case, 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 disposed of with a direction to the petitioner to surrender before the court of learned JMFC, Banarpal on or before 16<sup>th</sup> December, 2022 in connection with 2(a) C.C. No.26 of 2004 arising out of Excise P.R.No.109 of 2003-04 Budapanda Road, Angul and in the event he surrenders, the court below shall release him on bail with conditions.

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

(R.K. Pattanaik)  
Judge