IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1126 of 2026

Md Samser Alam @ Kallu & Anr. .... ***Petitioner(s)***

Ms. D. Lenka, Adv.

-versus-

State of Odisha .... ***Opposite Party(s)***

Mr. Debasish Nayak, AGA

CORAM:
HON'BLE DR.JUSTICE SANJEEB K PANIGRAHI

ORDER

Order No. **09.04.2026**

01.

1. This matter is taken up through hybrid arrangement.

2. The Petitioners have filed this CRLMC assailing the order of issuance of N.B.W. dated 10.03.2026 issued by the learned 3rd Addl. Sessions Judge, Cuttack in S.T. Case No.232 of 2025 against them.

3. Heard learned counsel for the respective parties.

4. Learned counsel for the Petitioners submits that the Petitioners have been granted bail vide order dated 13.11.2025 and they were regularly attending the Court on each date of posting of the case. However, on 10.03.2026, the Petitioners could not remain present in Court due to non-communication by the conducting Counsel. Hence, the learned Court in *seisin* over the matter issued the order

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of N.B.W.(A) against them. He further submits that the Petitioners undertake to co-operate till the end of the trial and appear before the learned Court below on each date of posting of the case without fail.

5. In view of such facts and submissions made by the learned counsel for the Petitioners, this Court is inclined to allow the present CRLMC. Accordingly, the order of N.B.W.(A) issued in respect of the present Petitioners on 10.03.2026 by the learned Court below in the aforesaid case is, hereby, quashed.

6. The Petitioners are directed to surrender before the learned Court in *seisin* over the matter in the aforesaid case and move for bail within a period of fifteen working days hence. In such event, the said Court shall release them on bail with some stringent conditions. In addition, the Petitioners shall deposit a sum of Rs.500/- (rupees five hundred only) each as cost for violating the Court's order, in favour of the Criminal Bar Association, Cuttack. The said amount shall be utilized for the purpose of purchasing of books in the Bar Library. Receipt showing deposit of the cost shall be presented before the learned Court in *seisin* over the matter.

7. Accordingly, this CRLMC is disposed of.

8. Issue urgent certified copy of this order as per Rules.

(Dr. Sanjeeb K Panigrahi)
Judge

Sipun