



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1499 of 2026

*M/s. Road and Roof
Construction, Angul*

.....

Petitioner(s)

*Mr. Anup Udaya Senapati,
Advocate*

-Versus-

Alvin Bitumix Enterprises

.....

Opposite Party (s)

CORAM:

DR. JUSTICE SANJEEB K PANIGRAHI

ORDER

08.05.2026

Order No.

01.

1. This matter is taken up through hybrid arrangement.
2. Heard learned counsel for the Petitioner and learned counsel for the State.
3. The petitioner has filed this CRLMC assailing the order dated 24.03.2026 passed by the learned JMFC, Berhampur in connection with Criminal Misc. Case No.381 of 2025, issuing N.B.W(A) against him.
4. Learned counsel for the Petitioner submits that the petitioner has filed Criminal Appeal bearing No.47 of 2025 before the learned Sessions Judge, Ganjam. The learned Appellate Court granted bail to the appellant and passed an order of stay realization of fine subject to deposit 20% of the compensation amount adhering to Section 148 of the N.I Act. Challenging the payment of interim compensation, the Petitioner has approached this Court by filing CRLMC No.90 of 2026

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which is pending adjudication. During pendency of the said proceeding, the petitioner had filed an application before the learned appellate Court praying inter-alia to proceed with the appeal without insisting upon deposit. The learned Appellate Court rejected the petition and further vacated the order of stay and remitted the matter back to the learned Magistrate. The learned trial court by invoking Section 421 Cr.P.C. issued NBW(A) against the authorized signatory.

5. Learned counsel for the State strongly object the release of the Petitioner on bail.

6. In view of such facts and submissions made by the learned counsel for the Petitioner, this Court is inclined to allow the CRLMC. Accordingly, the order dated 24.03.2026 passed by the learned JMFC, Berhampur in the aforesaid case, so far it relates to issuance of N.B.W(A) against the petitioner, is hereby quashed.

7. The Petitioner is directed to surrender before the court in *seisin* over the matter in the aforesaid case and move for bail within a period of fifteen days hence. On such event, the said court shall release him on bail with some stringent conditions so as to enable him to appear before the court on each date of posting of the case.

8. Accordingly, the CRLMC is disposed of.

(Dr. Sanjeeb K Panigrahi)
Judge

Gitanjali

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