



IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLMC No.1657 of 2026

Pabitra Behera @ Pabitra
Kumar Behera

Petitioner(s)
Mr. Jyotirmaya Sahoo, Adv.

-Versus-

State of Odisha & Anr.

Opposite Party (s)
Mr. Prabhu Prasanna Behera, Adv.

CORAM:

DR. JUSTICE SANJEEB K PANIGRAHI

ORDER

Order No.

30.06.2026

04.

1. This matter is taken up through hybrid arrangement.
2. The Petitioner, by filing this CRLMC, has sought for a direction from this Court to the Opposite Party No.2/O.I.C. of Excise, Khurda Excise Station, Khurda to comply the order dated 18.12.2025 passed by the learned SDJM, Khurda in CMC No.225 of 2025 and release the vehicle, i.e, TVS Jupiter bearing Registration No. OD-02BS-0686 in his favour.

3. Learned counsel for the petitioner submits that the vehicle in question was seized by the Opposite Party No.2 for commission

Signature Not Verified under Section 52(a) of the Odisha Excise Act in
of the on file under Case No.148 of 2025. The Petitioner had filed an application
under Section 503 of the BNS, 2023 before the learned SDJM,

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Khurda bearing CMC No.225 of 2025 for release of the said vehicle. After hearing the said application, the learned SDJM, Khurda vide order dated 18.12.2025 directed the Opposite Party No.2 to release the vehicle in favour of the Petitioner. He further contends that the Opposite Party No.2 did not comply the same. Hence, this case.

4. Learned counsel for the State strongly objects the prayer as advanced by the learned counsel for the Petitioner. He submits that the petitioner has been found to be engaged involving with the same offence. Therefore, the vehicle was not released. He also submits that an order of auction has been passed against the said vehicle. However, the said order has not been effected.

5. Considering the submissions made by the learned counsel for the Petitioner and on going through the averments made in this petition, this Court is of the view that the Excise Department should have approached the learned SDJM, Khurda to bring this factum of involvement of the vehicle of the petitioner in another case. In the absence of such negligence on the part of the petitioner, the plea of not complying with the order cannot be entertained.

The Court's order has to be complied with by the Department

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6. Accordingly, this Court directs the Opposite Party No.2/
O.I.C. of Excise, Khurda Excise Station, Khurda to comply the



order dated 18.12.2025 passed by the learned SDJM, Khurda in CMC No.225 of 2025 and release the vehicle, i.e, TVS Jupiter bearing Registration No. OD-02BS-0686 in favour of the petitioner.

7. The CRLMC stands disposed of, accordingly.

(Dr. Sanjeeb K Panigrahi)
Judge

Gitanjali

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