

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.9 of 2022

Chandrasekhar Jena

....

Petitioner

Mr.Pradeep Kumar Das, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr.K.K.Gaya, ASC

CORAM:

JUSTICE S.K. PANIGRAHI

ORDER

31.01.2022

Order No.

01.

1. The matter is taken up through virtual mode.
2. Heard learned counsel for the parties.
3. The petitioner has preferred this Criminal Miscellaneous Case challenging the order dated 02.12.2021 passed by the learned Nyayadhikari Gram Nyayalaya, Ghasipura in C.M.C.(GN) Case No.77 of 2021 arising out of 2(a) C.C. Case No.64 of 2021 rejecting the petition under Section 457 of Cr.P.C. filed by him for interim release of vehicle "HERO HG Deluxe bearing Registration No. OD 09-U-1703.
4. It is alleged that on 12.10.2021 at about 5.30 A.M. while the informant and his staff were performing patrolling duty at Khadibili area, seized the aforesaid vehicle being driven by one Chandan Behera who is son-in-law of the petitioner and on being searched, they found one black motor tube containing

ten litres of I.D. liquor. Thereafter, after observing all the formalities, arrested the accused person and seized the said liquor bag along with vehicle i.e. HERO HF Deluxe bearing Registration No.OD-09-U-1703. However, the accused person was released on bai but the vehicle was not released.

5. Learned counsel for the petitioner submits that the petitioner has not been stated as an accused in 2(a)CC (GN)-64/2021. The petitioner being the registered owner of the vehicle had filed a petition under Section 457 Cr.P.C. before the Nyayadhikari Gram Nyayalaya, Ghasipura along with relevant documents for release of the vehicle but the same was rejected. It is further submitted that if the vehicle is kept under open sky in the campus of excise office Anandapur being exposed to vagaries of nature, the condition of the vehicle will be deteriorated day by day. Hence he prays for release of the vehicle by quashing the order passed by the learned court below.

6. Per contra, learned counsel for the State vehemently objected to the petition with the submission that after seizure of the vehicle a Confiscation Proceeding i.e. C.P. No.64 of 2021 has been initiated and the same is pending before the concerned Authorized Officer and seized vehicle is required for further investigation of the case. Hence, he prays to reject the petition.

7. In view of the above submissions, facts and circumstances of the case, this Court does not find any infirmities in the order of

of the learned Nyayadhikari Gram Nyayalaya, Ghasipura Accordingly, the petition being devoid of merits stands dismissed. However, the petitioner is at liberty to pursue his remedy before the Authorized Officer.

8. The CRLMC is accordingly disposed of.

9. As the restrictions due to resurgence of Covid-19 are continuing, learned counsel for the parties may utilize a print out of the order available in the High Court's website, at par with certified copy, subject to attestation by the Advocate concerned with his/her seal, in the manner prescribed vide Court's Office Order dated 7th January, 2022.

(S.K. Panigrahi)
Judge

LB

