

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.632 of 2022

Susabhan Biswas

....

Petitioner

-versus-

State of Odisha

....

Opposite Party

CORAM: JUSTICE S.PUJAHARI

ORDER
26.07.2022

Order No.

05. 1. This matter is taken up through Hybrid mode.
2. The Petitioner in this case challenges the order dated 23.11.2021, passed by the learned Sessions Judge-cum-Special Judge, Malkangiri in Misc. Case No.62 of 2021, refusing to release the vehicle in favour of the Petitioner. It appears that the aforesaid vehicle has been seized, which was illegally used for transportation of the contraband articles (Ganja). Petitioner has stated that though he is the owner of the vehicle but no way involved in the offence alleged, hence the impugned order cannot be sustained, as such, the same be set aside and the vehicle be released in favour of the Petitioner on such terms and conditions as the learned court may deem just and proper. However, in the meantime a judgment of the Division Bench of this Court in the case of ***State of Odisha Vrs. Registrar***

General, Orissa High Court, Cuttack, passed in W.P.(C) No.32580 of 2021, decided on 31.01.2022 has dealt with disposal of vehicles seized in N.D.P.S. cases pending disposal of the case. As it appears in the said decision of this Court certain directions for disposal of such vehicles have been provided and it has been specifically mentioned that the said judgment dated 31.01.2022 will supersede all earlier decisions rendered by different Single Benches of this Court.

3. In such view of the matter, while setting aside the impugned order, this Court directs the learned Special Judge to deal with the prayer of the Petitioner in the light of the said decisions and the instruction, if any given pursuant to same by this Court for disposal/release of the vehicle not later than fifteen days of receipt of copy of this order.

4. With the above direction, the CRLMC stands disposed of.

(S. Pujahari)
Judge

Uks