

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLREV No.325 of 2022

***M/s. Economic Transport
Organization, Cuttack***

.... Petitioner

Mr.S.K.Sarangi, Advocate

-versus-

Union of India (NCB)

.... Opposite Party

Mr. U.R.Jena, C.G.C.

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

11.11.2022.

Order No.

06.

1. This matter is taken up through hybrid mode.
2. The Petitioner challenges the order dated 2nd July, 2022 passed by learned Sessions Judge-cum-Special Judge, Khurda at Bhubaneswar in CrI. Misc. Case No.66/2022 (T.R. No.175/2022). As per the said order the prayer of the Petitioner for release of the seized goods in his favour was allowed subject to the following conditions:-

“(i) The Petitioner shall furnish indemnity bond of Rs.33,57,192/- in respect of the seized articles.

(ii)He shall furnish property security of Rs.33,57,192/-.

(iii)He shall furnish bank guarantee of Rs.33,57,192/-.

(iv)The I.O. shall prepare a detail panchanama of seized articles with his signature and of petitioner therein.

(v)The I.O. shall take two digital photographs of the seized paper chemicals and video graph the seized paper chemicals, showing the seized articles in all angles, not more than one minute and save the same in a pen drive to be supplied by the petitioner, and produce the same before the Court for future reference”.

3. The Petitioner in the present revision seeks modification of the conditions so imposed to the extent of waiving condition as at Sl. Nos.(ii) and (iii) quoted above.

4. Referring to the impugned order Mr. S. Sarangi, learned counsel appearing for the Petitioner, submits that Rs.33,57,192/- is the value of the paper chemicals, which were seized along with the contraband. Learned court below has also categorically referred to the same as also the fact that the prosecution allegation is not that such paper chemicals are stolen property. The case was registered for seizure of ganja. According to Mr. Sarangi, such being the finding of the Court, there was no justification, much less, any compelling necessity to ask the Petitioner to furnish property security as well bank guarantee to the tune of Rs.33,57,192/-.

5. On the other hand, Mr. U.R.Jena, learned counsel appearing for the NCB, has opposed the prayer for modification on the ground that the conditions were imposed only to secure the presence of the articles if required during trial and therefore, the impugned order does not warrant any interference.

6. I have considered the rival submissions and have also gone through the impugned order. As it appears, the case in question has been instituted in connection with recovery of contraband ganja in the vehicle in which paper chemicals were seized along with contraband. It is not the case of the prosecution that the paper chemicals are stolen property.

7. Under such circumstances, this Court finds no reason to impose such stiff and rigid conditions for release of the seized property in favour of the Petitioner.

8. In such view of the matter the CRLREV is allowed. The condition as at Sl. Nos.(ii) and (iii) of the impugned order are hereby set aside. The impugned order is modified to such extent.

9. The CRLREV is disposed of accordingly.

AKB

(Sashikanta Mishra)
Judge

