

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLREV No. 348 of 2022

Rajat Kumar Mahanta

...

Petitioner

Mr. Ramakanta Sahoo, Advocate

-Versus -

State of Odisha

....

Opposite Party

Mr. P. Tripathy, AGA

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

25.11.2022

Order No.

06.

1. This matter is taken up through hybrid mode.
2. Heard Mr. R. Sahoo, learned counsel for the petitioner and Mr. P. Tripathy, learned Additional Standing Counsel for the State.
3. The petitioner challenges the Order dated 29.06.2022 passed by the learned J.M.F.C.-II, Keonjhar in C.M.C. 95 of 2022, whereby his prayer for release of the vehicle seized in connection with a criminal case was rejected. The learned Court below rejected the petition of the petitioner on the ground that the vehicle is required for further investigation and the Confiscation Proceeding has already been initiated in C.P. No. 4 of 2022-23.
4. In course of hearing, it is brought to notice of this Court by the learned counsel for the State that the petitioner has appeared before the Authorized Officer and filed a petition for release of the vehicle in his favour. He has also filed several documents showing his ownership of the vehicle. Since the Confiscation Proceeding has already been initiated, the bar under Section-72 of the Odisha Excise Act fully applies and therefore, this Court is not inclined to interfere with the

impugned order. However considering the fact that the proceeding is pending before the Authorized Officer-cum-Superintendent of Excise, Keonjhar, the Criminal Revision is disposed of directing the Authorized Officer to dispose of the Confiscation Proceeding as expeditiously as possible preferably within a period of four weeks in accordance with law.

Balaram

(Sashikanta Mishra)
Judge

