

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLREV No.385 of 2022

Chitaranjan Sahoo

....

Petitioner

Mr. J.K.Panda
Advocate

-versus-

State of Odisha

....

Opposite Party

Mr.P. Tripathy,
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER
10.11.2022.

Order No.

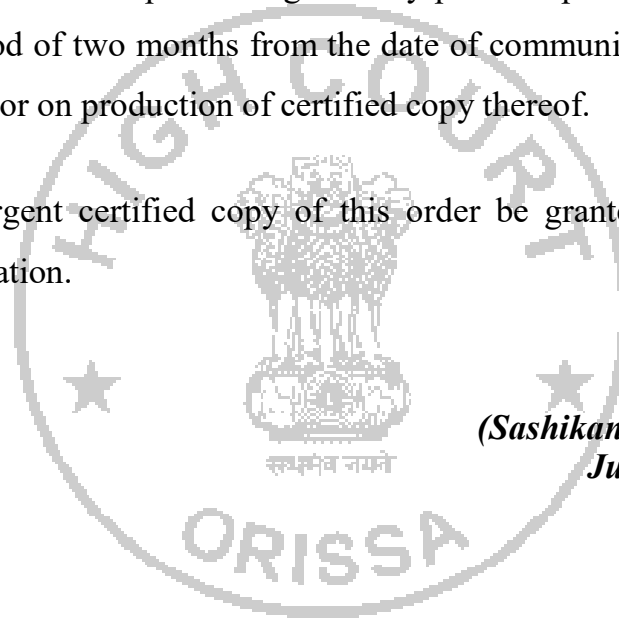
- 01.
1. This matter is taken up through hybrid mode.
 2. The order dated 4th August, 2022 passed by learned S.D.J.M., Dhenkanal in 2(a)C.C. Case No.117/2022 is under challenge whereby the application filed by the Petitioner for release of his vehicle under Section 457 of Cr.P.C. was rejected.
 3. Perusal of the impugned order reveals that the court below took note of the fact that the Superintendent of Excise, Dhenkanal has already started confiscation proceeding in respect of the vehicle and issued notice to the Petitioner. As such, referring to the statutory bar under Sections 71(7) and 72 of the Act, the prayer of the Petitioner was rejected. Since the

confiscation proceeding has already been initiated and the Petitioner has already been noticed therein, the bar under Sections 71 and 72 fully applies to the case, this Court therefore, finds no infirmity much less any illegality in the impugned order so as to interfere.

4. The CRLREV is disposed of with request to the Authorized Officer-cum-Superintendent of Excise, Dhenkanal to dispose of the confiscation proceeding as early possible preferably within a period of two months from the date of communication of this order or on production of certified copy thereof.

5. Urgent certified copy of this order be granted on proper application.

AKB



(Sashikanta Mishra)
Judge