

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2232 of 2022

Ch.Rama Chandra Patra

....

Petitioner

Mr. Gautam Mishra, Sr.Advocate

-Versus-

State of Odisha (Vigilance)

....

Opposite Parties

Mr. N.Moharana, Standing Counsel for Vigilance

CORAM:
JUSTICE R.K.PATTANAIK

ORDER
23.09.2022

Order No.

01.

1. Heard Mr. Mishra, learned Senior Advocate for the petitioner and Mr. Moharana, learned Standing counsel for the Vigilance department.

2. Instant petition under Section 482 Cr.P.C. is filed by the petitioner assailing the impugned order dated 25th July, 2022 passed in M.C. No. 11 of 2021 which corresponds to G.R. Case No. 02 of 2021(v) pending in the court of learned Special Judge, Vigilance, Berhampur on the grounds stated therein.

3. The challenge is with regard to release of the seized cash recovered from the possession of the petitioner in connection with Berhampur Vigilance P.S. Case No. 03 of 2021 and for appropriate orders in respect thereof. Mr. Mishra, learned Senior Advocate submits that the seized cash which has been recovered from the petitioner should be released in his favour subject to furnishing an unconditional bank guarantee and while contending so, he refers to

a decision of the Apex Court in case of **Sunderbhai Ambalal Desai Vrs. State of Gujarat** reported in AIR 2003 SC 638.

4. In response to the above, Mr. Moharana, learned Standing counsel for the Vigilance department submits that he has instruction to ensure release of the seized cash but subject to unconditional bank guarantee furnished by the petitioner in that regard.

5. In view of the above, CRLMC stands disposed of with a direction for release of the seized cash in favour of the petitioner in connection with Berhampur Vigilance P.S. Case No. 03 of 2021 pending before the court of learned Special Judge, Vigilance, Berhampur in G.R. Case No. 02 of 2021 (v) however on furnishing an unconditional bank guarantee by him and such release as an interim measure shall be subject to the result and outcome of the original case.

6. Accordingly, it is ordered.

7. In the result, the CRLMC stands disposed of with the direction as above.

8. An urgent certified copy of this order be issued as per rules.

9. Free copy of the order be issued in favour of Mr. Moharana, learned Standing counsel for the Vigilance department.

(R.K.Pattanaik)
Judge