

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLREV No.469 of 2021

Manoj Kumar Bhuyan

....

Petitioner

Mr. Panchanan Panigrahi, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr.K.K.Nayak, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

22.04.2022

Order No.

- 04.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Heard learned counsel for the Petitioner as well as the learned Additional Standing Counsel.
 3. The present revision petition has been filed challenging the order dated 07.10.2021 passed by the learned District Judge, Puri in CRLMC No.25 of 2021 refusing to release the seized car in favour of the Petitioner, which has been seized in connection with Baselisahi P.S.Case No.213 of 2020 registered under section 21(C)/29 of N.D.P.S. Act. Corresponding to Spl.G.R.Case No.104 of 2020 (T.R.No.164 of 2020).
 4. The Petitioner filed an application under section 457 Cr.P.C. before the District & Sessions Judge, Puri for release of seized Martuti Suzuki Swift Desire Car bearing Regd.No.OD-02-U-7006 seized in connection with the aforesaid case. On perusal of the order impugned, it is seen that the learned District Judge has refused to

release the seized Car in favour of the Petitioner on the ground that the seized Car may be required to be produced before the Court during trial and he has also observed that since the Car in question was seized from the possession of the Petitioner along with contraband articles, he did not incline to release the seized Car in favour of the Petitioner.

5. It is submitted by the learned counsel for the Petitioner that the Petitioner is the registered owner of the Car and after its seizure i.e. on 17.08.2020 the seized car is lying in the Police Station in open sky and in the meantime considerable damage has already been caused and in order to prevent from further damage the same should be released in zima of the Petitioner on any terms and conditions. It is further submitted by the learned counsel for the Petitioner that similar case has been decided by this Court in the case of **Basudev Singh-v. State of Odisha** decided on 31.03.2022 in CRLREV No.34 of 2022 wherein this Court directed release of the vehicle in favour of the person from whom seized.

6. On the other hand, learned counsel appearing for the State submits that as the alleged car was used during commission of the crime and the trial of the case has not yet been commenced as such prayed to reject the revision petition filed by the Petitioner.

7. Considering the facts and circumstances of the case and the submissions advanced by the respective parties as well as the case decided by this Court in the case of **Basudev Singh (supra)**, this Court is of the considered view that the vehicle bearing Registration No.OD-02-U-7006 seized in connection with Baselisahi P.S.Case No.213 of 2020 should be released from the person from whom seized. Accordingly, this Court directs release of the aforesaid seized vehicle on proper identification in favour of the person from whom

seized in connection with the aforesaid Baselisahi P.S.Case No.213 of 2020 after duly executing a zimanama. It is also directed that an undertaking shall be obtained while releasing the vehicle in question to the effect that he will produce the vehicle before the trial court as and when required for the purpose of trial.

8. With the aforesaid observation, the CRLREV stands disposed of.
9. Issue urgent certified copy of the order as per Rules.

RKS

