IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLREV No.230 of 2026

Prasant Barik @ Prem ... Petitioner

Mr. S. Harichandan, Advocate

-versus-

State of Orissa .... Opposite Party

Mr. S. Panigrahi, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

10.04.2026

Order No.

01. 1. Heard learned counsel for the Petitioner and learned counsel for the State.

2. This criminal revision has been preferred assailing the order dated 19.02.2026 passed by the learned J.M.F.C.-II (Cog. Taking), Cuttack in Misc. Case No.298 of 2025 arising out of G.R. Case No. 1576 of 2025 in connection with Dargha Bazar P.S. Case No. 260 of 2025 whereby the prayer of the Petitioner for release of his vehicle Bullet Classic 350 UCE, bearing Registration No. OD 05 Z 1939, Engine No.U3S5C0HA225017, Chassis. No. ME3U3S5C1HA047542 stated to be involved in an offence under Section 191(2)/ 296/ 121(1)/ 121(2)/ 132/ 351(3)/ 109(1)/ 326(g)/ 190/ 191(3)/ 195(1)/ 192/ 196/ 221/ 299/ 302 of BNS r/w section 7 of Criminal Law (2nd Amendment Act), 1983 r/w section 4 of Public Property Prevention of Damage

Act, 1985 r/w section 96 of Orissa Urban Police Act, 2003.

3. It is submitted by the learned counsel for the Petitioner that there is no dispute regarding the ownership of the vehicle and on instruction submits that the vehicle in question has never been involved in the commission of any other offence and relying on the judgment of the Apex Court in the case of **Sunderbhai Ambalal Desai v. State of Gujarat**, **(2002) 10 SCC 290**, the Petitioner submits that the impugned order merits interference.

4. Learned counsel for the State opposes the prayer.

5. Taking into account the rival submission in the light of the judgment of the Apex Court in the case of **Sunderbhai Ambalal Desai (supra),** the impugned order is set aside. It is directed that the vehicle Bullet Classic 350 UCE, bearing Registration No. OD 05 Z 1939, Engine No.U3S5C0HA225017, Chassis. No. ME3U3S5C1HA047542, shall be released in favour of the Petitioner on such terms to be settled by the learned Trial Court.

6. Accordingly, the CRLREV stands disposed of.

Signature Not Verified
Digitally Signed
Signed by: SOUMYA RANJAN SAMAL
Designation: Jr. Stenographer
Reason: Authentication
Location: High Court of Orissa
Date: 11-Apr-2026 14:57:34

(V. NARASINGH)
Judge