

C.M.A. 128/2026

19.05.2026

This order arises out of a petition filed by the petitioner **Praveen Kumar Sah**, aged about 38 years, S/o- **Parsuram Sah**, R/o- **Talbhattapada**, Po/PS- **Ainthapali**, Dist.- **Sambalpur** praying therein for release of one Vehicle i.e. **THREE WHELLER (GOODS CARRIER) PIAGGIO** bearing Registration No. **OD15N2176** having Chassis No. **MBX0003ABXA794867** and Engine No. **S9A8950516** which has been seized by **Ainthapali** Police Station in P.S. Case No. **40/2026** corresponding to G.R. Case No. **3108/2025**. During hearing of the petition the Id counsel for the petitioner submitted that the Vehicle has been seized by **Ainthapali Police** and is lying in the open sky exposed to the sun and rain and the Vehicle plays a part of his livelihood. Therefore, he prays to release the said seized Vehicle in interim zima imposing any condition as deemed fit and proper by the court. The Id counsel for the petitioner has submitted the **Smart Card** of the Vehicle. The Id APP has orally objected to the petition. Heard.

Perused the case record. The Vehicle in question is seized in connection to **G.R. Case No. 984/2026** on the allegation of offence U/s **303(2)/3(5) of BNS** and Charge Sheet has been submitted. On perusal of the documents submitted by the petitioner it is found that the Vehicle (**THREE WHELLER (GOODS CARRIER) PIAGGIO**) is registered in the name of the petitioner **Praveen Kumar Sah**. The seized Vehicle is lying at the Police Station Premises exposed to sun, rain and cold air. Further, it seems that detention of the seized Vehicle will in no way fruitful for the prosecution. **Hon'ble High Court of Orissa in Ashis Ranjan Mohanty Vs State of Odisha** decided in '**Paragraph 15(III)**' that "*in any event no property will be retained in the malkhana of the court or in the police station longer than the period absolutely necessary for the purpose of the case.*" Hence, following the above decision decided by the Hon'ble Supreme Court and the decision of **Sunderbhai Ambalal Desai Vs State of Gujarat** the petition is allowed. Let the seized Vehicle i.e. **THREE WHELLER (GOODS CARRIER) PIAGGIO** bearing Registration No. **OD15N2176** having Chassis No. **MBX0003ABXA794867** and Engine No. **S9A8950516** be released in interim zima in favour of the petitioner with the following condition (As per the SOP given in the decision of the Hon'ble High Court in W.P.(C) No. 31622 of 2021 in **Ashish Ranjan Mohanty Vrs State of Odisha**)

1. The petitioner shall file the details of the Brand Name, Model No. Regd. No., Engine No., Chassis No., Year of manufacturing and details of insurance certificate of the Vehicle in question properly attested by his Counsel supported by an affidavit.
2. He shall file both soft and hard copies of digital photographs and one video clips not more than 1 minute of the seized Vehicle showing the Registration No., Chassis No. and Engine No. of the seized Vehicle with date and time stamp in a pen drive containing the digital photograph and video clip prior to the release of the Vehicle. The photographs should be duly attested by the concerned IIC/I.O. with date, time and stamp.
3. The petitioner shall file a valuation report from an approved valuer or insurance agency. He shall file indemnity bond along with a surety bond of amount which is similar to that of the present value of the Vehicle.
4. He shall file his statement in shape of affidavit affirming that the photographs and video clip have been taken in his presence which will be used as evidence in future.
5. The above digital photographs and video should be taken under the supervision of one court official who shall submit a certificate in this respect prior to the release of the Vehicle.
6. The petitioner shall not sale, mortgage or transfer the ownership of the Vehicle.
7. The petitioner shall not alienate or tamper with the identification of the Vehicle in any manner.
8. The custody of the Vehicle shall be subject to the orders to be passed by the Court on conclusion of trial.

Extract copy of this order send to the **IIC, Ainthapali P.S.** for information and necessary action as well as to allow the petitioner to take video clips and photos of the Vehicle in question. Put up when the security bond and pen drive containing the photo and video clip as per the above order are filed.

Dictated

Sd/-

S.D.J.M., Sambalpur