



**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**CRL. REV. No.66 of 2026**

***Rajesh Prasad***

....

***Petitioner***

Mr. Biraja Prasanna Das, Advocate

-versus-

***State of Odisha***

....

***Opposite Party***

Mr. Sobhan Panigrahi,  
ASC

**CORAM: JUSTICE V. NARASINGH**

**ORDER**

**28.01.2026**

**Order**  
**No.**

- 02.** 1. Heard Mr. Das, learned counsel for the Petitioner and Mr. Panigrahi, learned Additional Standing Counsel for the State.
2. This Criminal Revision has been preferred assailing the order dated 18.12.2025 passed by the learned J.M.F.C, Sinapali in CMC No.28 of 2025 whereby the prayer of the Petitioner for release of his vehicle bearing registration number OD 26 AL 0837 stated to be involved in an offence under Section 52(a) of the Odisha Excise Act in 2(a) C.C. Case No.76 of 2025 arising out of P.R. case No.228 of 2025-26 has been rejected.
3. It is submitted by the learned counsel that admittedly the Petitioner is the owner of the seized vehicle. Asserting that the said vehicle allegedly involved in the aforementioned P.R. Case under



Section 52(a) of the Odisha Excise Act is being exposed to vagaries of nature and relying on the judgment of the Apex Court in the case of ***Sunderbhai Ambalal Desai vrs. State of Gujarat, (2003) 24 OCR (SC) 444***, the Petitioner seeks release of his vehicle "Bolero".

4. Learned counsel for the State, on the other hand, opposes such prayer and submits that as borne out from the order of the learned Magistrate that the confiscation proceeding has already been initiated before the competent authority, the application has been rightly rejected.

5. In the case of ***Sunderbhai Ambalal Desai (supra)***, the Apex Court while dealing with corresponding provision of Section 457 of the Cr.P.C. held thus;

"..... it is of no use to keep such seized vehicle at the police stations for a long period.

xxx                      xxx                      xxx"

6. Considering the rival submissions and since the Petitioner is not cited as an accused, as stated, this Court is persuaded to hold that interest of justice would be subserved, if the vehicle in question as an interim measure is released in favour of the Petitioner on certain terms and conditions.

7. Accordingly, it is directed that the seized vehicle (Bolero bearing registration number OD 02 AL



0837) shall be released in favour of the Petitioner, on his satisfying the learned Court in seisin that he is the registered owner of the said vehicle and on such terms and condition as deemed just and proper till disposal of 2(a) C.C. Case No.76 of 2025 by the learned Court in seisin including the following terms, that the Petitioner shall not;

- i. allow the vehicle to be utilized in commission of any offence and;
  - ii. change the ownership of the vehicle and;
  - iii. change the nature of vehicle to affect its identity.
  - iv. And, shall produce the vehicle before the learned Court in seisin as and when directed.
8. Accordingly, the CRLREV stands disposed of.

**(V. NARASINGH)**  
**Judge**

PKS