



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLREV No.127 of 2026

Biswajit Bagarty

...

Petitioner

Mr. S. Dwibedi, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. C. R. Swain, AGA

CORAM: JUSTICE V. NARASINGH

ORDER

24.02.2026

Order

No.

- 02.** 1. The Petitioner assailing the order dated 28.01.2026 passed by the learned Sessions Judge, Mayurbhanj rejecting his prayer for release of the vehicle, allegedly involved in commission of the offence under the Narcotic Drugs and Psychotropic Substances Act, 1985 places reliance on the judgment of the Apex Court in the case of ***Denash vrs. State of Tamil Nadu, 2025 SCC OnLine SC 2276*** and submits that there is no embargo for release of the vehicle in the light of the said Judgment which has been passed taking into account the Narcotic Drugs and Psychotropic Substances (Seizure, Storage, Sampling and Disposal) Rules, 2022 (Rules, 2022).
2. This Court is of the prima facie view that the observation of the Apex Court in Para-31 weighed with it in passing the order directing for release.



For convenience of reference, the said paragraph is extracted hereunder:-.

"31. In the present case, it is manifest that the appellant is the true owner of the vehicle, having valid documents. The vehicle was lawfully engaged for transportation of iron sheets weighing 29,400 MT. The seized drug, i.e., 6 kilograms Ganja was found in possession of the four accused persons present in the vehicle. Neither was the appellant chargesheeted in the matter nor did the prosecution allege him to be acting in conspiracy. As a necessary corollary, it can safely be presumed that the said contraband must have been procured by the drivers and/or the khalasis without the knowledge or connivance of the appellant."

(Emphasized)

3. Learned counsel for the Petitioner as well as State are called upon to obtain instructions regarding the present state of the case.
4. Learned counsel for the State is requested to obtain the Case Diary by the next date.
5. List this matter on 07.03.2026.
6. The Rules, 2022 referred to hereinabove submitted by the learned counsel for the Petitioner is taken on record.

(V. NARASINGH)
Judge

Jina