



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

**CRLMP No. 229 of 2026**

***MV DEBI (IMO: 9616735), owned  
by Asian Pacific Shipping Company*** .....

***Petitioner***

Mr. Soumya Jyoti Biswal, Advocate

*-versus-*

***1. Union of India***

***2. State of Odisha***

.....

***Opposite Parties***

Mr. J.N. Panda, CGC

Mr. S.J. Mohanty, ASC

**CORAM:**

**HON'BLE MISS JUSTICE SAVITRI RATHO**

**ORDER**

**31.03.2026**

(Through hybrid mode)

**Order No.**

04.

1. Mr. J.N. Panda, learned Central Government Counsel submits that an affidavit which was supposed to be filed on 25.03.2026 has been e-filed today.

2. Perusal of the ordersheet reveals that on 17.03.2026 time had been granted till 25.03.2026 for filing of affidavit and on 25.03.2026, the matter had been adjourned to today directing that the affidavit, if any, shall be filed by 26.03.2026. But it is apparent that the Opposite Parties No.1 and 2 have utter disregard for the orders of this Court for which they did not file the affidavit on 27.03.2026 but have filed it today when the case is listed. Mr. J.N. Panda, learned Central Government Counsel submits that he was unwell and the Officers are not to blame for the delay.

3. Mr. J.N. Panda, learned Central Government Counsel on being asked produces the affidavit which has been e-filed today where it has been stated as follows:

*"7. That in reply to the Para-5 and 6 of the CRLMP Petition*



*it is submitted that, the narcotics substances were recovered and seized from onboard the Vessel MV DEBI and accordingly, the Vessel MV DEBI was seized under provisions of NDPS Act, 1985. The Complaint/ Charge sheet in the case of SPLGR (N) 65/2023 was filed on 30.05.2024 against Unknown in the Court of the Additional District & Sessions Judge, Kujang (on the basis of investigation completed so-far at the time). Regarding ongoing investigation, it is further submitted that, during the course of investigation, neither any of the Crew members of the Vessel MV DEBI (who were present onboard the Vessel during seizure of the narcotics substances) nor the Director of M/s. Asia Pacific Shipping Company Limited (i.e. Owner Company of the Vessel MV DEBI, during recording of respective statements, were able to answer regarding "how Cocaine in such huge quantities came onboard the Vessel MV DEBI". However, some of the crew members of the Vessel MV DEBI had signed off at the Port of Jebel Ali during October 2023 and the Director of M/s. Asia Pacific Shipping Company Limited (i.e. Owner Company of the Vessel MV DEBI) in his statement dated 08.04.2024, had assured for co-operation in the investigation to bring the previous crew members of the Vessel for investigation before Customs. As per the Order dated 17.03.2026 of this Hon'ble Court, the Petitioner submitted to bring crew members who had signed off at the Port of Jebel Ali on 18.03.2026. However, they appeared on 20.03.2026 and 23.03.2026 and their statements were recorded and the same is under analysis.*

*8. That in reply to the Para-7 and 10 of the CRLMP Petition the Opp. Party has nothing to say.*

*9. That in reply to the Para-11 of the CRLMP Petition it is*



*emphatically state that, the submission made by the Petitioner is not correct as the Complaint/ Chargesheet in the case of SPLGR (N) 65/2023 against Unknown in the Court of the Additional District & Sessions Judge, Kujang (on the basis of investigation completed so-far at the time) has already been filed on 30.05.2024.*

*10. That in reply to the Para-12 of the CRLMP Petition it is submitted that, statements of crew members recorded on 20.03.2026 and 23.03.2026 are under analysis along with investigation conducted so far.*

*11. That, the answering Opp. Parties crave leave of the Hon'ble High Court to make further submissions and file further Affidavits in support of the contentions, so far as effective adjudication by the Hon'ble Court is concerned*

*12. That the averments which have not been specifically denied are deemed to have been denied.*

*13. That the CRLMP Petition is completely misconceived and is liable to be dismissed.”*

4. Nowhere has it been stated that chargesheet has been filed keeping investigation open. Hence, the learned Central Government Counsel is directed to produce the copy of the chargesheet for perusal of the Court on the next date.

5. If the chargesheet is not produced in the Court on the next date, either the Opposite Party No. 1 or Opposite Party No. 2 shall be directed to appear personally before this Court.

6. Copy of the affidavit which is stated to have been e-filed in Court today shall be incorporated in the digital record.

7. Mr. J.N. Panda, learned Central Government Counsel submits that the affidavit could not be filed earlier as he had to undergo



medical checkup on 25.03.2026.

8. Mr. Soumya Jyoti Biswal, learned counsel for the Petitioner submits that on 11.03.2026, learned Court below after receipt of the order dated 05.03.2026 of this Court, had perused the record and found that it had not been put up after 19.03.2024 and that the I.O. had filed the petition on 30.05.2024 for taking cognizance of the offences and to take the petition to file and it was found that the investigation was in progress and the I.O. had not submitted the final form.

9. The affidavit of the Assistant Commissioner reveals that the chargesheet has already been filed but the chargesheet is not available in the record which is before the learned ADJ-cum-Special Judge, Kujang.

10. As the learned Court below has posted the case to 04.04.2026, both counsel are directed to inform the Court as to the order passed on 04.04.2026.

11. List this matter on 15.04.2026.

**(Savitri Ratho)**  
**Judge**

*puspa*