



IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLREV No.323 of 2026

Kamalakanta Biswal @ ***Petitioner***
Hagara

Mr. S. Mishra, Advocate

-versus-

1. State of Orissa
2. Authorised Officer-
cum-Superintendent ***Opposite Parties***
of Excise, Balasore

Mr. C.R. Swain, AGA

CORAM: JUSTICE V. NARASINGH

ORDER

05.05.2026

Order No.

01. 1. Heard learned counsel for the Petitioner and learned counsel for the State.
2. The Petitioner filed an application i.e. Criminal Misc. Case No.14 of 2026 seeking release of the vehicle (Scooty), Regd. No.OD-01-BA-9913, stated to be involved in commission of offence under Section 52(a)(i) of the Odisha Excise Act, 2008. Learned J.M.F.C., Soro allowed the application by order dated 21.02.2026 imposing certain conditions.
3. It is the grievance of the Petitioner that post passing of the order on 21.02.2026, the learned Magistrate entertained a letter dated 24.02.2026 from OIC, Khaira Excise Station, Balasore, inter alia,



indicating that confiscation proceeding has been initiated in respect of the vehicle in question.

4. It is the grievance that in view of such letter, which was entertained by the learned Magistrate, the order dated 21.02.2026 is not being given effect to.

5. During the course of hearing, learned counsel for the Petitioner fairly submits that admittedly no motion has been made before the learned Magistrate indicating that after passing of the order dated 21.02.2026 in exercise of the power conferred under Section 72 of Odisha Excise Act he has become functus officio qua the matter on his Board. Hence, the communication dated 24.02.2026 ought not to have weighed with the learned Magistrate.

6. There is nothing on record to indicate that any order has been passed in respect of the intimation, which was taken on record by the learned Magistrate on 24.02.2026.

7. On a perspicuous analysis of the materials on record, liberty is granted to the Petitioner to move an application before the learned Magistrate relating to the intimation dated 24.02.2026 referred to herein above.

8. In the event such an application is filed, the same shall be dealt with in accordance with law with the expediency it deserves.



9. The CRLREV is accordingly disposed of.

**(V. Narasingh)
Judge**

Santoshi

Signature Not Verified

Digitally Signed
Signed by: SANTOSHI LENKA
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 07-May-2026 19:47:06

