



IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.23383 of 2025

Soumya Ranjan Behera

.....

Petitioner

*Mr. Dhaneswar Behera,
Advocate*

-versus-

State of Odisha & Ors.

.....

Opposite Parties

Ms. Gayatri Patra, ASC

CORAM:

THE HON'BLE DR. JUSTICE SANJEEB K. PANIGRAHI

Order

ORDER

No.

22.08.2025

01. 1. This matter is taken up through hybrid arrangement.
2. Heard learned counsel for the parties.
3. The present Writ Petition has been filed by the Petitioner with the following prayer:

"The petitioner therefore, prays that this Hon'ble Court may be graciously pleased to admit the writ application, call for the records issue a Rule NISI calling upon the Opp. Parties to show cause as to why, the order dated 11.02.2025 passed by Excise Commissioner, Odisha, Cuttack in Excise Appeal Case No. 28/2024-1252 shall not be quashed as given under Annexure-6 consequently quashing of the order dated 14.11.2024 passed by the Authorized Officer-cum-Superintendent of Excise, Cuttack in Excise C.P. Case No. 81/2024-25 as given in Annexure-4 shall not be quashed and if the Opp. Parties failed to show

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cause or show insufficient cause the said rule be made absolute quashing Annexure-6 and further be directed to release the seized Indigo ECS Car bearing Regd. No. OD-02V-0482;"

4. Learned counsel for the Petitioner submits that this Court has earlier decided the similar issue in the judgment dated 01.09.2021 passed in CRLMC No.234 of 2021 (*Srikant Das-vrs.- State of Odisha*). Hence, he submits that this Writ Petition may be disposed of in the light of the judgment passed in the case of *Srikant Das*(supra).

5. Learned counsel for the State submit that she has no objection, if this matter is disposed of in the light of the judgment passed in the case of *Srikant Das* (supra).

6. On perusal of the records and the judgment passed in the case of *Srikant Das* (supra), it appears that similar issue has already been decided by this Court in the said judgment which was disposed of on 01.09.2021. The ordering portion of the said judgment is as follows.

“ xxx xxx xxx

10. Having considered the matter in the aforesaid perspective and guided by the precedents cited hereinabove, this Court sets aside the order dated 28.01.2021 passed by learned Sessions Judge, Balasore in Criminal Revision No.02 of 2021 arising out of order dated 16.12.2020 passed by

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learned J.M.F.C. (R), Balasore in Misc. Case No. 139 of 2020 arising out of 2(a) CC No. 135 of 2020 and allows the prayer of the petitioner on the following conditions:

i.. The petitioner is directed to make the vehicle available as and when required during investigation of the case and thereafter in the court concerned.

II. The petitioner is directed not to make any changes or any variation to the vehicle during the pendency of the trial in the court concerned.

11. The CRLMC is accordingly disposed of."

7. Considering the submissions made by the learned counsel for the parties and taking into account the judgment dated 01.09.2021 passed in CRLMC No.234 of 2021, this Court is inclined to accede to the submissions of the learned counsel for the Petitioner. Accordingly, the order dated 11.02.2025 and 14.11.2024 passed by the Excise Commissioner, Odisha, Cuttack in Excise Appeal Case No.28/2024-1252 under Annexure-6 and Authorized Officer-cum-Superintendent of Excise, Cuttack in Excise C.P. Case No. 81/2024-25 under Annexure-4 are hereby set aside. The Authorized Officer-cum-Superintendent of Excise, Cuttack/Opposite Party No.3 is directed to release the vehicle Indigo ECS Car bearing Regd. No. OD-02V-0482 in the zima of the Petitioner subject to the condition

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1. *The petitioner is directed to make the vehicle available as and when required during investigation of the case and thereafter in the court concerned.*

II. *The petitioner is directed not to make any changes or any variation to the vehicle during the pendency of the trial in the court concerned.*

8. Accordingly, the Writ Petition is disposed of.

(Dr. Sanjeeb K. Panigrahi)
Judge

Gitanjali

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