

**IN THE HIGH COURT OF ORISSA AT CUTTACK**  
**W.P.(C) No.32580 of 2021**

*State of Odisha* ..... *Petitioner*

Mr. Janmejaya Katikia, Additional Government Advocate  
-versus-

*Registrar General, Orissa High Court, Cuttack* ..... *Opposite Party*

Mr. P.K. Muduli, Additional Government Advocate

**CORAM:**  
**THE CHIEF JUSTICE**  
**JUSTICE R. K. PATTANAİK**

**ORDER**  
**25.04.2022**

**Order No.**

07.

1. Pursuant to the directions issued by the Court on 31<sup>st</sup> January 2022, the High Court on its Administrative Side devised a standard operating procedure (SOP) in consultation with the District Judges and circulated it to all the District Judges for implementation of the Court's directions.

2. Although some progress has been made in a matter of disposal of seized articles under the NDPS Act by adhering to the procedure stipulated under the SOP, the following further directions by way of clarification are issued in response to the feedback received from the District Judges on the implementation of the SOP. It is clarified that the following directions are in addition to and by way of clarification of the directions issued by the Court in its judgment dated 31<sup>st</sup> January, 2022:-

(I) A notice may be issued requiring the Informant/Complainant and the accused person to remain present through counsel on the date on which

the matter is to be heard for the purposes of disposal of the seized article/substance. Even after such notice has been issued, if at the hearing, none or, any of the counsel, is present, the Court can still proceed to pass orders in the matter. In other words, the presence of the Informant/Complainant and the accused persons is not mandatory for complying with the SOP.

(II) The Court need not wait for an application to be filed by the investigating agency asking for disposal of the seized articles. The Court can *suo motu* initiate the process.

(III) As regards the valuation of the seized articles, it will be open to the District Judge to empanel a list of accredited actuaries/valuers. The value of the vehicle mentioned in insurance certificate of such vehicle may be considered for the purpose of its valuation. In the event the vehicle is not insured, the Court may direct the investigating agency to get the vehicle valued through any insurance agency or an accredited actuary of insurance agency or an actuary empanelled by the Court and then proceed in accordance with such valuation. The cost of the valuation determination exercise can be adjusted from the sale proceeds of the articles or met by the purchaser of such article at a public auction prior to the possession of such article being given to the auction purchaser.

(IV) The following will be added at the end of Clause-15 of the SOP:

“Till such time a central storage server is provided, the digital photographs, video clips can be stored in an external hard disc drive (HDD). District Judges shall procure and supply one HDD each to the

Judges hearing the matters including those in the outlying stations. The HDD should be of at least 1TB storage capacity. In case of any difficulty in complying with the above, the data of all the Courts in a single Court complex can be stored on a common HDD till provision of one HDD to each Court in such complex. The District Court will utilize the funds available in the District Court budget under the appropriate head of accounts for the above purpose.”

(V) Clause-7 of the SOP will be modified as follows:

“It shall be necessary to furnish a certificate as to under which official’s supervision the photographs or videos were taken. This certificate should be ordinarily furnished to the Presiding Officer and be made part of the order sheet. Such certificate can be furnished by any Court official upon whom the duty is delegated by the Court to monitor the taking of digital photographs or recording of video, as the case may be.”

(VI) The following lines shall be added to Clause-3 of the SOP:-

“In case of vehicles, digital photographs should clearly show the registration number, engine number and chassis number.”

(VII) Clause-23 be added to the SOP as follows:-

“The presence of the Informant/Complainant and accused persons shall not be mandatory while complying with the SOP.”

(VIII) Clause-24 be added to the SOP as follows:-

“If the Court considers it fit and proper having regard to the facts and circumstances of the case, it may direct that the Applicant shall at his or her cost prepare digital photographs and videos of the seized items in the manner prescribed in the SOP and produce the same before the Court in an electronic storage media. In every such case, Clauses-7 (as modified) and 8 of the SOP shall be strictly followed.

Whenever the Applicant submits the digital files, it shall be transferred immediately to the Court’s storage device at his own cost by following the SOP. In such cases, the final encryption and hash value shall be generated at the time of storage of digital files in the Court’s storage device provided that the Court is satisfied that the SOP has been followed in preparing the digital photographs and videos of the items, and the transmission and storage of the same in the Court storage device.”

(IX) Clause-25 be added to the SOP as follows:-

“It will be open to the Judge who is in charge of accounts of the concerned Court establishment/complex to hire the services of the local photographers/videographers by following the relevant rules for the purpose of complying with the SOP.”

3. A direction is issued to the DG of Police to impress upon all the Forensic Laboratories across the State to expedite the sending of reports of chemical examination of the seized items to the concerned Courts. All the pending requests be attended to immediately and reports be sent not later than 31<sup>st</sup> May, 2022.

4. The Director of Public Prosecution, Odisha will issue necessary directions to all prosecuting officers and investigating agencies to promptly take steps by filing applications in the concerned Courts for release/disposal of the seized items.

***(Dr. S. Muralidhar)***  
***Chief Justice***

***(R. K. Pattanaik)***  
***Judge***

*S.K. Guin*

