

	Summary Criminal Case No. 419/2022
	<i>State Vs. Vaishali Bordawekar</i>
	CNR No.MHSI080008752022

Order below Exh. 6

1. This is an application filed by Shri. Sachin Hundalekar, Police Inspector of the Police Station *Kankavali*. Perused the application and say of learned APP thereon. Perused the record. The Investigation officer has prayed for seeking directions to dispose of the seized muddemal i.e. 72 bottles of Honey Blend pure Brandy in Crime No. 223/2022 registered at *Kankavali* Police Station. He submitted that there is no sufficient space in the muddemal room. The seized muddemal is kept in plastic bottles and its odor is spreading around the office area as well as neighborhood. Due to said muddemal nuisance creating animals like rat and mice are appearing in the premises. Therefore, he prayed to pass the order for disposal of the seized muddemal. The learned APP also contended that it becomes difficult for the said office to preserve the muddemal property i.e. liquor bottles. He further submitted that necessary order may be passed.

2. In the case of ***Sundarabai Ambalal Desai Vs. State of Gujrat, reported in (AIR 2003 Supreme Court 608)***, the Hon'ble Apex Court observed in para 19 of the decision as under-

19. *For article such as seized liquor also, prompt action should be taken in disposing it of after preparing necessary panchanama. If sample is required to be taken, sample may kept properly after sending it to the chemical analyzer if required. But in no case, large quantity of liquor should be stored at the police station. No purpose is served by such storing.*

3. In view of the observations of the Hon'ble Supreme Court in the above judgment, considering the reasons mentioned in the application and the submission of the learned APP it would be proper to allow the inspector of *Kankavali* police station to dispose of the seized muddemal liquor in this crime. Therefore, as per the guidelines given in supra citation, the prayer of investigating officer deserves to be allowed with certain direction of drawing the *panchanama*. Further, if the sample is required to be taken, then sample may be kept properly after sending it to the chemical analyzer, if required. Accordingly, following order is passed.

ORDER	
1.	The application at Exh. 6 is allowed.
2.	The Investigation officer/inspector of <i>Kankavali</i> police station is hereby directed to send the seized muddemal i.e. 72 bottles of Honey Blend pure Brandy in Crime No. 223/2022 to Supdt. State Excise Department, <i>Kankavali</i> for disposal as per rules after preparing necessary <i>panchanama</i> in presence of panch witnesses who should be the Government servants and after taking the necessary sample and if sample any taken be kept properly after sending it to the chemical analyzer.
3.	The Investigation Officer/Inspector of <i>Kankavali</i> police station to file the photographs on record regarding proceeding of <i>panchanama</i> .
4.	The inspector of <i>Kankavali</i> police station is also directed to file the detail report within one month from the date of order to this Court.

Date : 04/04/2023.

(T.H.Shaikh)
Judicial Magistrate, First Class,
Kankavali