

CNR No. MHAM090015212026



O.M.Cri.A. No. 172/2026

(Pravin vs. State)

ORDER BELOW EXH. 1

1] This is an application under section 503 of BNSS for releasing four Wheeler i.e. D-Van Bolero Camper, Bearing No. MH-27/X 5472, having engine No.GHDIA-11820 and Chassis no. MAIZN2GHKDIA15250.

2] It is contended on behalf of applicant that he is legal owner of said vehicle. The Police station Chandur Bazar has registered an offence punishable u/s. 3 and 7 of The Essential Commodities Act, 1955. During the investigation, the vehicle came to be seized by the Police Station, Chandur Bazar in Crime No. 0231/2026. The seized vehicle is necessary for his work. He is ready to abide by the conditions, if any, imposed upon him for releasing said vehicle. Hence, he prayed to release the seized vehicle on supurtnama.

3] The Investigating Officer filed his say at Exh.5 and prayed to reject the application on the ground that applicant may tamper or sell the vehicle and may use it in commission of another crime. Further, there are no documents on record to show his ownership over the said vehicle. Ld. A.P.P. filed reply over on the backside of the application and submitted similarly and prayed to reject the application.

4] Perused the application, say of Investigating Officer and Learned A.P.P. and the documents filed on record. Heard both sides. Considered their submissions.

5] The submission of applicant was called upon in respect of bar under Section 6-E of the Essential Commodity Act. In this respect, he relied upon judgment of Hon'ble Madhya Pradesh High Court in the case of ***Sanjay Vs.***

The State of Maharashtra (Miscell. Cri. Case No. 23304 of 2022, decided on 09th July, 2024) wherein Hon'ble High Court held that for the bar under Section 6-E of the Act, the confiscation proceedings should be pending before the competent authority. However, if confiscation proceedings were not initiated and same were not pending, the bar under Section 6-E of the Act would not apply (emphasis added).

6] In view of observations of Hon'ble High Court in aforesaid case, the I.O. was directed on 11.06.2026 to submit if any confiscation proceedings is initiated or pending by the competent authority with regard to the seized vehicle. However, no communication was made by I.O. thus, it appears that no confiscation proceedings are either initiated or pending. Thus, bar of Section 6-E of the Act would not apply in the present case.

7] The applicant relied on the verified copy of Registration certificate, copy of insurance, verified copy of Aadhar Card to show his ownership over the seized vehicle.

8] The Hon'ble Supreme Court in *Sunderbhai Ambadas Desai & C. M. Mudaliar Vrs. State of Gujrat reported in AIR 2003 SC 638* held that, "it is of no use to keep seized property at the police station for a long period, in any case for not more-than 15 days to one month". The vehicle is seized on 23.05.2026. No purpose would be served by keeping the seized vehicle lying in the open premise. On perusal of record it appears that, applicant is entitled for interim custody of the vehicle on the basis of document which shows his ownership over said vehicle. The possibility of the damage to the property cannot be ruled out. The trial would not be concluded in near future. Thus, by imposing conditions the present application can be considered. In the result, following order is passed :

ORDER

- 1) The application is allowed.
- 2) Seized four Wheeler i.e. **D-Van Bolero Camper, Bearing No. MH-27/X**

5472, having engine No.GHDIA-11820 and Chassis no. MAIZN2GHKDIA15250 be released in favour of the applicant- **Pravin Wamanrao Wath**, on executing an indemnity bond of Rs. 5,00,000/- (Rs. Five Lakh only) on the following conditions:

- (i) That the vehicle should be kept as it is and its nature should not be changed in any way;
 - (ii) That the same should not be transferred, alienated, sold or modified till the decision of the trial.
 - (iii) That the same shall be produced as and when directed by the Court and the Investigating Officer or any other authority in respect of the present crime.
 - (iv) That the same shall not be used for any illegal purposes.
- 3) The I.O. is directed to prepare detailed panchanama of the said vehicle and shall take color photographs and submit the same along with charge sheet.

16.07.2026
Chandur Bazar.

Sd/-
(**Hitesh S. Sonar**)
Judicial Magistrate, (FC)