

MHAU050010852026



Cri. M. A. No. 98/2025
Babasaheb Balwant Warkar
Vs.
State of Maharashtra through
Inspector, State Excise Police,
D-2 Region, Dist. Chhatrapati
Sambhajinagar.

ORDER BELOW EXH.01

1. This is an application filed by applicant Babasaheb Balwant Warkar under Section 503 of the Bharatiya Nagarik Suraksha Sanhita, 2023. The applicant has prayed to direct the State Excise Police to return his own vehicle i.e. Honda company DIO Moped/scooty motorcycle bearing registration No. MH-15-GM-5930, Chassis No. ME4JF39HFJU001445 and Engine No. JF39EU4002504 which was seized by State Excise Police, D-2 region, Chhatrapati Sambhajinagar in crime No. 34/2025 under Section 65 (A)(E) of the Maharashtra Prohibition Act.
2. Perused the application and the documents filed along with it. Also perused the say filed by APP and the Investigating officer.
3. The learned APP took objection to the present application. He submitted that, applicant used seized vehicle for conveyance of prohibited liquor without any valid permit. The seized vehicle is necessary at the time of trial. He further submitted that if the seized vehicle is returned to the applicant there is possibility that he may change its colour, nature and may

use the seized vehicle in the commission of similar types of offences. Moreover under the provision of Prohibition Act seized vehicle is also liable for confiscation. Hence, he prayed for rejection of application.

4. The Investigating officer filed his say and took objection to the present application. He submitted that the said offending vehicle is seized in the offence of illegal transportation of liquor. If the seized vehicle is returned to the applicant there is possibility that he might repeat offence like this and might do changes in the original nature of the seized vehicle. Lastly, prayed to reject this application.

5. Applicant has filed on record the R.C. book of seized vehicle, copy of FIR and copy of Adhaar card of applicant. I have perused the documents filed along with the application. On the perusal of R.C. of vehicle, it clearly appears that applicant is the owner of the vehicle.

6. From the documents filed on record it is quite evident that applicant is the owner of the seized vehicle. Apart from the applicant nobody else has sought the custody of the seized vehicle. Considering the objections taken by I.O. as well as learned APP and order passed by the Hon'ble Supreme Court in case of **Sundarbhai Ambala Desai Vs. State of Gujarat**, I come to the conclusion that the seized vehicle shall be handed over to applicant on appropriate terms and conditions. In the result, I proceed to pass following order:-

ORDER

- 1] The present application is allowed.
- 2] I.O. is directed to give interim custody of seized vehicle i.e. Honda company DIO Moped/scooty motorcycle bearing registration No. MH-15-GM-5930, Chassis No. ME4JF39HFJU001445 and Engine No. JF39EU4002504 which was seized by State Excise Police, D-2 region, Chhatrapati Sambhajnagar in crime No. 34/2025 under Section 65 (A)(E) of the Maharashtra Prohibition Act to applicant Babasaheb Balwant Warkar in Crime No. 34/2025 on the following conditions.
 - i) Prior of taking custody of the vehicle, the applicant is directed to furnish Supurtanama bond of Rs. 1,50,000/- (Rupees one lakh fifty thousand Only) before the Investigating Officer.
 - ii) The applicant shall not sale or alienate in any manner the seized muddemal and shall not change its nature, colour and major part without the prior sanction of the Court till final disposal of crime in question and the case incidental thereto.
 - iii) The applicant shall produce the subject muddemal as and when ordered by the Court.
- 3] The Investigating officer shall prepare a detailed panchanama before handing over it to the applicant and submit it along with final

report.

- 4] The investigating officer is directed to submit the Supurtanama bond, panchanama, photographs along with the charge-sheet.
- 5] Inform concerned I.O, accordingly.

Vaijapur.
Date: 23.04.2026

(Smt. S. K. Khan)
Judicial Magistrate First Class,
Court No.2, Vaijapur.