



Cri.M.A.No.61/2026.
Bhaskar V/s. State Excise.

MHAU080005232026.

ORDER BELOW EXH-1.

This is the application filed by the applicant, U/Sec.503 of Bhartiya Nagarik Suraksha Sanhita, 2023, for the interim custody of motorcycle bearing registration No.MH-20-FD-5355, seized by the State Excise Department Sillod, Tq.Sillod, Dist.Aurangabad in C.R.No.14/2026.

2. It is contention of the applicant that, he is owner of seized vehicle. It is further contended that, police authority on false complaint seized his vehicle. The applicant further contended that, he required his vehicle for personal use. The police authority seized his vehicle kept it on open space at police station. The applicant is further contended that, if the said vehicle standing there for long time then, it will get damaged and the applicant will suffer heavy economic loss. The applicant further contended that, therefore, as owner he is entitled for custody of seized vehicle and he is ready to follow every conditions imposed by the Court. Therefore, he requested for interim custody of seized vehicle.

3. I have called say of Investigating Officer and Ld.A.P.P. Both submitted that, if it be returned motorcycle to the applicant, he will commit similar kind of serious offences in future also and he will not follow the conditions. Further, I.O. submitted that, if seized vehicle be returned to the applicant then, he may sell the said vehicle or change the nature of the vehicle. Therefore, both are prayed for the rejection

of the application.

4. Heard. Perused record. The applicant has supported his claim by producing copy of R.C. Book of seized motorcycle at Exh-3/1, copy of his Aadhaar Card at Exh-3/2, copy of F.I.R. at Exh-3/3 and copy of insurance of seized motorcycle at Exh-7/1. The applicant produced original copy of above said documents before the Court and this Court verified the said documents. The applicant is identified by his advocates.

5. From the perusal of aforesaid documents, it appears that, the applicant is the owner of the seized vehicle and entitled for possession. Considering the nature of the matter no legitimate purpose would be served by keeping said vehicle in the police station. Therefore, in the view of the directions given by the Hon'ble Supreme Court in the case of ***Sundarbhai Ambalal Desai V/s. State of Gujrat***, it would be proper to hand over interim custody of the said vehicle on executing supurtnama and subject to certain conditions. The applicant not filed insurance certificate on record. The applicant pray that, to ensure the vehicle interim custody of the vehicle is required. Hence, considering the requirement for insurance physical custody of the vehicle is necessary. Hence, present seized vehicle is temporary handover to the applicant for insurance. Considering the aforesaid mentioned aspects, the interim application deserves to be allowed. Hence, following order is passed.

ORDER

- 1.** The application is allowed subject to future claim.
- 2.** Inspector State Excise Department Sillod, Dist.Aurangabad is directed to handover interim custody of motorcycle of bearing

No.MH-20-FD-5355, on executing supurtnama of Rs.50,000/- (Rs.Fifty Thousands Only) seized in Crime No.14/2026 to the applicant, on due verification to the insurance of the vehicle.

- 3.** Before giving interim custody of motorcycle detail panchanama of motorcycle shall be prepared in presence of I.O. and two panch witnesses and filed on record along with Supurtnama.
- 4.** State Excise Department Sillod is directed to take color photographs of seized motorcycle at the cost of the applicant and file the same on record along with supurtnama.
- 5.** Applicant shall not sale, pledge, mortgage or alterations in the said motorcycle till conclusion of the Cr.No.14/2026 and produced as and when directed by I.O or court.
- 6.** Copy of this order be kept in Cr.No.14/2026.

Date :- 24.03.2026.
Place :- Sillod.

(M. V. Kirme.)
Judicial Magistrate First Class,
Court No.2, Sillod.