

MHAU160046642025



Special Case No.1187/2025

The State of Maharashtra

Vs.

Avinash Ramkrushna Patil and others

Shafiullha Khan Habib Khan.... Applicant

ORDER BELOW EXH.46

Applicant – **Shafiullha Khan Habib Khan** has filed this application for return of property i.e. Auto-rickshaw bearing registration No.**MH-20-EF-2510** (for short 'the Auto-rickshaw') under Section **497** of the Bharatiya Nagarik Suraksha Sanhita.

[2] The said Auto-rickshaw has been seized by **Waluj** Police Station in the matter of C.R.No.279/2025, wherein the accused allegedly to have been committed offences under Sections 8(c), 21, 22(c), 25, 27-A and 29 of the NDPS.

[3] It is submitted by the applicant that he is not the accused in this crime. He is the owner of the

Auto-rickshaw. Police seized the said Auto-rickshaw from accused – Abdul Ajim Abdul Quadir Shaha.

[4] It is further submitted by the applicant that, the said Auto-rickshaw is required for his day-to-day business. If the said Auto-rickshaw is kept in the custody of police for a longer period without use, then there is possibility of it getting damaged. Therefore, he lastly prayed that the said Auto-rickshaw may be given to him on interim custody. In support of his contention, the applicant has produced on record verified copy of the Registration Certificate which shows that the Auto-rickshaw is owned by him.

[5] The Investigating Officer and the learned APP have filed their SAY to this application. They have submitted that, if the Auto-rickshaw is handed over to the custody of the applicant, he would misuse the said Auto-rickshaw for committing similar offences. They have opposed the application.

[6] It is well settled that properties like vehicle seized during the investigation and kept unattended in the police station shall be returned to the person entitled on

certain terms and conditions on interim custody as early as possible, otherwise such unattended properties may get damaged.

[7] In this matter, the investigation is completed and charge-sheet is filed. The applicant has produced on record verified copy of the Registration Certificate of the said Auto-rickshaw, which shows that he is the registered owner of it. Moreover, accused – Abdul Ajim Abdul Quadir Shaha from whom the auto-rickshaw was seized, has no objection to return the said Auto-rickshaw to the custody of the applicant.

[8] Considering the above mentioned facts and circumstances, it appears that the said Auto-rickshaw is not directly part or parcel of the prosecution evidence. By imposing certain terms and conditions, the applicant can be restrained from alienating the said Auto-rickshaw. I am, therefore, of the opinion that the Auto-rickshaw can be given to the interim custody of the applicant.

[9] Having regard to the above mentioned facts and circumstances of the case, I found no legal impediment to return the Auto-rickshaw to the interim custody of the

applicant on certain terms and conditions. I, therefore, pass the following order:-

ORDER

- (1) Application (**Exh.46**) is allowed.
- (2) In-charge of **Waluj** Police Station, Tal. Gangapur or Investigating Officer of this crime, shall hand over the Auto-rickshaw bearing registration No.**MH-20-EF-2510** to the interim custody of the applicant on executing Supuratnama of Rs.2 Lakh/- (Rs. Two Lakh only).
- (3) The applicant shall not alienate the said Auto-rickshaw bearing registration No.**MH-20-EF-2510**, in any manner, without prior permission of this Court.
- (4) The applicant shall produce the said Auto-rickshaw before the Court as and when required.
- (5) While returning the said Auto-rickshaw to the interim custody of the applicant, the concern Police Officer shall take 4-5 photographs of the said Auto-rickshaw from various angles and shall produce before the Court as part and parcel of the charge-sheet.
- (6) After compliance of this order as above, the concerned Investigating Officer or In-charge of Waluj Police Station, Tal. Gangapur, shall submit before this Court, the compliance report along-with Supuratnama so executed by the applicant, within one month.

(7) Issue letter accordingly to the concerned Police Station.

(S.B. Bahalkar)
Additional Sessions Judge,
Date:- 23.04.2026 Gangapur, Dist. Chh. Sambhajinagar.