

MHBU070004982026



Received on : 13/02/2026  
Registered on : 13/02/2026  
Decided on : 17/03/2026  
Duration : Y M D  
00 01 04

**IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS,**  
**SHEGAON, DIST. BULDANA.**  
**(Presided over by N. D. Meshram)**

Cri.M.A. No.14/2026  
Exh.1

Arvin Arun Pahurkar,  
Aged 37 years, Occu. - Driver,  
R/o. Bhim Nagar, Kumbharkhed,  
Tq. Sangrampur, Dist. Buldana.

**Applicant ....**

Vs.

State of Maharashtra,  
Through Police Inspector,  
Police Station Shegaon City.  
Tah.Shegaon, Dist. Buldana.

**Non-applicant .....**

.....  
Adv for applicant

: Shri. P. D. Mane,

Adv for Non-applicant

: Smt. S. V. Ingle APP,  
.....

**Judgment**

(Delivered on 17/03/2026)

The instant application is filed under section 503 of BNSS for releasing Ashok Leyland Tipper bearing registration No. M.H.-28-BB-3459 Chasis No. MB1GWGCD6LRCF0497 and Engine No. LCEZ405417, seized in Crime No.94/2026 for the offence P/u/s. 303(2) of BNS R/w. Sec. 21(1), 21(2) Mine and Mineral Act 1957 registered at Police Station, Shegaon city.

2. It is the contention of the applicant that he is the owner of the vehicle. The vehicle has been seized by Police Station, Shegaon city in

above mention crime. The applicant needs the vehicle for the important work. The applicant is ready to abide by any condition to be imposed by this court while releasing the vehicle.

3. Ld. APP and I.O. filed their say and opposed the application. I.O. in his reply submitted that the applicant may again use the tipper in transporting the sand illegally. The applicant may not produce the vehicle as and when required by the court. Ld. APP submitted that vehicle is seized during the investigation. The accused may again use the tipper in committing the similar offence. With this contention I.O. and Ld. APP prayed for rejection of the application.

4. Heard Ld. counsel for applicant and Ld. APP. Perused the document filed in support of the claim and affidavit sworn before the court by applicant. It appears that applicant is the owner of the seized vehicle which is duly reflected from document filed by the applicant. Investigation in this case with regard to the vehicle has been completed. Thus, the vehicle is no longer required for further investigation. Considering the documentary evidence on record, I find that no purpose would be served by keeping the seized vehicle lying in Police Station, Shegaon city unattended. The possibility of damage to the vehicle cannot be ruled out if it is allowed to be kept lying in Police Station, Shegaon city. Apprehension raised by I.O. and Ld. APP can be taken care of by imposing the conditions on the applicant. Considering the nature of seized vehicle, its protection, guardian and safe custody is not reasonably practicable if the vehicle remains at Police Station, Shegaon city unattended and idle.

5. Considering the ratio laid down by Hon'ble Apex Court in the case of "Sundarbhai Ambalal Desai Vs. State of Gujrat, 2002(9) SCALE 153", I am of the view that it would be proper and in interest of the justice

to return vehicle to applicant. Hence, I proceed to pass the final order as under.

**ORDER**

1. Application is allowed.
2. Ashok Leyland Tipper bearing registration No. M.H.-28-BB-3459 Chasis No. MB1GWGCD6LRFCF0497 and Engine No. LCEZ405417, seized in Crime No. 94/2026 be returned to Arvin Arun Paturkar till the conclusion of the trial on executing indemnity bond of 20,00,000/- (Rs. Twenty Lack Only) against the vehicle.
3. The applicant to undertake that he shall not sell, transfer or create any third party interest on the above vehicle. The applicant to maintain and preserve vehicle in all respects. The applicant shall produce the vehicle in question as and when required and directed by the court and investigation officer. The applicant is further directed that he shall not use the vehicle nor handed over the vehicle to anybody for committing any offence similar to the offence in which vehicle was seized. Breach of any condition imposed on the applicant would lead to the cancellation of the supurdnama of the vehicle.
4. The I.O. is directed to prepare detail panchanama of the said vehicle, take photograph of the vehicle from four angle and release the above vehicle. I.O. is further directed to file the panchnama and photographs along with the charge sheet.
5. The custody of the said vehicle is interim pending trial and subject to final order in the case.

Dt. 17/03/2026

( N. D. Meshram )  
Judicial Magistrate F.C.,  
Shegaon.

I, P. K. Ingle, Stenographer grade-III of C.J.J.D. & J.M.F.C. Court No.1, Shegaon affirm that the contents of this P.D.F. file order is correct word to word as per the original Order.