



ORDER BELOW EXH.1

[Passed on 10.07.2026]

1. Present application is moved U/sec 503 of BNSS, 2023 for interim custody of seized two bullocks mentioned in the application. On the application say of I.O. and APP was called. During pendency of this application an objector appeared and objected for releasing the said bullocks. Therefore, the say of objector / incharge of Kapila Gorakshan Sansthan, Shegaon was called.
2. In the application the applicant has claimed that he is owner of the seized bullocks and it was seized by P.S. Shegaon City in Crime No.373/2026. The applicant has prayed to handover custody of the seized bullocks to him. Apart from this, applicant has also undertook to abide all the terms and the conditions imposed upon him.
3. IO has filed say and contested the application. It is contended that offence registered against the applicant is serious in nature. The applicant was carrying bullocks in a vehicle in cruel manner. He further contended that, if the application is allowed and the interim custody of bullock are given to the applicant, there is strong possibility that he may use the said bullocks for unlawful purpose and he may also slaughter them.
4. Learned APP submitted that, applicant has filed 7/12 extract which shows that the field of applicant is reserved for Government project, therefore, it is not clear that the field which reserved for Government project can be



cultivated or not? Hence, the contention that of applicant that, the seized bullocks required for cultivation can not be trusted. There are rules for the custody of animal which required the payment for maintenance of animals from accused or owner. Hence, prayed to reject the application.

5. The said bullocks were kept under care of Gourakshan Sansthan namely Kapila Gourakashan. Therefore, say of President of the said Sansthan was called. Vijaykumar Nandkishor Rathi, is the President of said sansthan and he submitted his objection vide Exh.09. In the objection, the objector has claimed that he is President of Kapila Gouadharit Krushi Sanshodhan Foundation Sansthan, Shegaon, Tq. Shegaon, District Buldana and his society provides shelter and take care of deserted animals and the animals involved in any criminal case. The objector has further claimed that since his trust is taking care of seized bullocks of this offence, the maintenance expenses of the bullocks must be recovered from applicant and it be provided to the trust.

6. He further contended that, the applicant has committed serious offence by not providing sufficient food and water to the bullocks and he was carrying the bullocks in a cruel manner. Therefore applicant is not entitled to the custody of bullocks. On such claim, the objector has prayed this Court to pass suitable order as per the objection.

7. Heard all the parties. Record shows that at relevant time, P.S. Shegaon City received secret information regarding the illegal transportation of bullocks in a vehicle



and on such information, bullocks are seized. Later on, Crime No.373/2026 was registered and seized bullocks were sent to trust of the objector. Further, in support of the application (Exh.1), the applicant has filed documents regarding his ownership over the seized animal.

8. Now, though the I.O. and Ld. APP has strongly opposed the application, there is nothing in the record to show that there is criminal antecedent of applicant. Therefore, the application cannot be rejected merely on the ground that the Ld. APP and the I.O. have pointed out the possibility of commission of crime.

9. Moreover, as per Section 503(1) of the BNSS, 2023 whenever any property is seized by the Police Officer and such a property is not produced before Criminal Court the Magistrate may make such order as he thinks fit respecting the disposal of a such a property or delivery of a such a property to the person entitled to the possession thereof. This Section makes it clear that, for handing over the possession of seized property it is not necessary to see that, the person claiming property must be a owner of the property. In this section it is specifically mentioned that Magistrate may deliver the property to the person entitled to possession. Therefore, even if it is considered that, the applicant has pay to establish his ownership then it that circumstances also the property can be delivered to him if he shows that he is entitled to the possession of the same. Obviously while delivering the property the appropriate conditions has to be



imposed. In the present matter except applicant no one has claimed the possession of the said bullocks. Therefore, there is no impediment in delivering the property to the applicant.

10. Now, question remain whether the maintenance charges of the seized bullocks can be recovered from present applicant as claimed by objector or not. In the objection, the objector Vijaykumar Rathi has submitted that the applicant is liable to pay the expenses for food, medical facility etc. of the seized bullocks as per Rs.300/- per day per bullock till the conclusion of the trial and the maintenance amount can be recovered from present applicant.

11. As per the Gazette of Maharashtra dt.04.03.2015 when any seized animal is handed over to Animal Welfare Organization, when the Organization is entitled for the maintenance for the period the animal remain in custody with such Organization. Further, as per Maharashtra Gazette Dt. 18.12.2007 charges of maintenance of each animal is given. After going through the description of the animal and fees per animal, it is noticed that per day maintenance charge of bull is Rs. 300/- per day.

12. In the present application the applicant has not filed receipt to show that he has paid any amount to objector trust, Shegaon for taking care of his bullocks. Hence, considering above facts, I pass following order.

ORDER

1. Application Exh.1 is hereby allowed.



2. The interim custody of seized two bullocks, be given to the applicant **Hamid Khan Yusuf Khan** on executing supurdnama bond of Rs.1,00,000/-(Rs.One Lakh only).
3. The applicant is hereby directed to pay Rs.300/- for each bullock (Rs.600/- for 2 bullock) per day to the Kapila Gouadharit Krushi Sanshodhan Foundation Sansthan, Shegaon Tq. Shegaon, District Buldana since 13.06.2026 till the date of furnishing supurdnama bond in the Court.
4. Further, the applicant shall be liable to pay above maintenance amount from the date of furnishing supurdnama bond in the Court and till the release of said animals to its applicant on supurdnama or till date of decision of the case registered on basis of Crime No.373/2026, whichever is earlier.
5. The I.O. of Crime No.373/2026 is hereby directed to take photographs of seized bullock at the cost of applicant and prepare detail panchnama while handing over the seized bullock to the applicant and submit the photographs and panchnama along with charge-sheet.

[Smt. M.K.Gote]

Judicial Magistrate First Class,
2nd Court, Shegaon, Dist. Buldana.

Date : 10.07.2026.



Certificate

I, G.D.Bhoyte, Stenographer Grade-III of J.M.F.C. Court No.2, Shegaon affirm that the contents of this P.D.F. file order is correct word to word as per the Original Order.

Date of order:- 10.07.2026

Uploaded on:- 10.07.2026