

ORDER BELOW EXH. 33
in SCC No. 671/2021
(Passed on 22nd Day of December, 2021)



- 1] Perused the application and the documents filed along with it. The applicant submitted that, he is the owner of seized vehicle i.e. **Hero Honda SS bearing Registration No. MH-34-N-8313.**
- 2] The say of Investigating Officer and A.P.P. was called for. The Investigating Officer and Learned APP has filed their say and strongly objected the said application for releasing the vehicle. Both have further contented that the said vehicle was used in crime no.184/2020 under section 65(a) Maharashtra Prohibition Act and 188 Indian Penal Code. They further contented that if the vehicle released on suprutnama then there is every possibility of using the said vehicle in other crime and prayed that application be rejected.
- 3] In support of his contention, applicant has filed on record verified photo copies of Vehicle Registration Certificate, copy of insurance and copy of Aadhar Card etc. of applicant.
- 4] From the above documents, the applicant appears to be owner of the seized vehicle. No purpose would be served in keeping the seized vehicle **Hero Honda SS bearing Registration No. MH-34-N-8313.** The possibility of damage to the property can not be ruled out, if kept lying in the Police Station. The trial would not be concluded in near future. In the present crime, nobody except the applicant came before the court to claim in respect of the seized property. The muddemal property is lying at police station premises without any futile purpose. Objection raised by Learned APP and Investigating Officer can be satisfied by imposing condition. Hence, I have no hesitation to return the seized property in the custody of the applicant by

imposing conditions upon him. Hence order :

ORDER

1. The application is allowed.
2. The seized vehicle i.e. **Hero Honda SS bearing Registration No. MH-34-N-8313** be handed over to the applicant namely Suresh Mahadeo Nindekar, R/o. Venkatesh Nagar, Near Hanuman Mandir, Warora, Ta.Warora, Dist. Chandrapur till the conclusion of the trial on his executing indemnity bond of Rs. 1,00,000/- (One Lac only) on following terms and conditions.
 - A} The applicant to undertake that, he shall not sell or transfer or alter colour of the seized vehicle without the prior permission of the Court. The applicant to maintain and preserve the property in all respects.
 - B} The applicant shall produce the seized property in the Court as and when directed by this Court, Appellate Court or Revisional Court.
 - C} The applicant shall not use the above vehicle in transporting the liquor such as above crime in future.
3. The Investigation Officer is directed to prepare detailed panchanama and take photographs of the said vehicle at the time of released.
4. Applicant to submit the Indemnity Bond before this court.
5. Issue letter to Police Station, Majri accordingly.

Place :-Bhadrawati
Date :- 22/12/2021

Sd/-
(C.H. Kulkarni)
Judicial Magistrate First Class,
Bhadrawati.