

CNR NO. MHCH180001192022



Order below Exh.31 in S.C.C. No.57/2022
(State V/s. Amar & Ors.)

1] Accused no. 1 has filed this application under section 503 of Bhartiya Nagarik Suraksha Sanhita for seeking custody of Four wheeler, Indica Vista bearing No. MH-20/BN-5548, recovered by Korpana Police Station in Crime No. 163/2021 for the offences punishable under section 65(e) of Maharashtra Prohibition Act.

2] Learned A.P.P. and I.O. opposed the application.

3] Accused no. 1 has contended that he has purchased the said vehicle from Rajendra Dhote, resident of Wardha. But, the said vehicle could not be registered in name of the accused no. 1. The accused no.1 has produced copy of Adhar Card (Exh.32/1). Copy of FIR and seizure panchanama shows that the said vehicle was seized from accused no. 1.

4] In these circumstances, no harm will be caused if the custody of said vehicle is temporarily given to accused no.1. No person other than accused no. 1 has claimed custody of the said vehicle. The Hon'ble Supreme Court in case of *Sunderbhai Desai and C.M. Mudliar Vs. State of Gujarat reported at AIR 2003 SC 638*, has laid down that if

seized vehicle is kept in the custody of police station, there is possibility that vehicle seized and kept in police station, not only do they occupy substantial space in the police station but they are prone to fast natural decay on account of weather conditions. Therefore, no purpose will be served in keeping the said vehicle lying in the police station till disposal of the trial. Hence, I pass following order:-

ORDER

- 1) Application is allowed.
- 2) Officer In-charge of Police Station, Korpana is hereby directed to return custody of Four wheeler, Indica Vista bearing No.MH-20/BN-5548, recovered by Korpana Police Station in Crime No. 163/2021 to accused no. 1.
- 3) Accused no. 1 shall execute a bond of Rs.1,20,000/- (Rupees One Lac Twenty Thousands only) for the release of seized vehicle till final disposal of the case.
- 4) Officer In-charge of Police Station, Korpana is hereby directed to prepare detailed proper panchanama before handing over possession of the vehicle for the purpose of its use in evidence instead of its production before the Court during trial attested by two witness and countersigned by the accused no.1, together with its photograph and videograph at the cost of the accused no. 1.
- 5) Accused no. 1 is further directed not to dispose of, transfer or in any way alter the nature, colour and look of the vehicle after its

release till final decision of the trial and shall make it available for its identification, if required by the Court.

Date : 22/04/2025

Sd./-
(A. J. Patil)
Judicial Magistrate, F.C.
Korpana.