

MHGA070002822026

**ORDER BELOW EXH. 09**

(Passed on 18-04-2026)

This is an application under section 503 of **Bhartiya Nagrik Surakhsha Sanhita 2023** for releasing Vehicle [TATA 1916 LPT] bearing registration no. CG-04-PW-8780 seized in Crime No. 108/2025 for the offence punishable under section 6 and 9 of Animal Prevention Act read with section 11(1)(c)(d) and (g) Cruelty to Animal Act and read along with section 184 122/177 of Motor Vehicle Act registered by Police Station Etapalli.

2. It is the contention of the applicant that Police Station Etapalli has seized Vehicle bearing registration no. CG-04-PW-8780. It is submitted that the vehicle has nothing to do with the offence and has no relation with the crime. It is contended that no purpose will be served by keeping Vehicle bearing registration no. CG-04-PW-8780 in the custody of police agency. Hence, the applicant prayed for releasing Vehicle bearing registration no. CG-04-PW-8780 on Supratnama.

3. It is submitted by **Shri. Bandu Atram Learned advocate for the applicant** that he is ready to pay ten days expenses to the cattle ponds. Lastly, it is prayed that vehicle be released in the interest of justice.

4. The APP has submitted that **in the present crime he has seized present vehicle and same is** involved in the present crime .i.e illegal transportation of schedule animals and categorically Vehicle bearing registration no. CG-04-PW-8780 may not be released on Supratnama

only because the vehicle is involved in the offence and the accused will be having no fear of law.

5. The Perused the record. Learned APP has filed say at Exh.09 and opposed the present application.

6. **Heard, Shri. Bandu Atram and APP**

7. Perused the application, Reply and Documents filed by the applicant. The applicant has filed photo copy of registration certificate. From the said certificate, it appears that the applicant is the owner of said vehicle.

8. The Honourable Apex Court, in **Sunderbai Ambalal Desai Vs. State of Gujarath¹** explained the object and scheme various provisions of the code as to disposal of case property. The Honourable Supreme Court, in the above case observed as follows:

“The object and scheme of the various provisions of the code appear to be that where the property which has been the subject matter of an offence is seized by the police, it ought not to be retained in the custody of the court or of the police for any time longer than what is absolutely necessary”.

9. **It is pertinent to note that once the police seized the Vehicle in connection with the offence it can not be said that said Vehicle bearing no. CG-04-PW-8780 has no connection with the crime** but in view of the ratio laid down by the Honourable Apex Court it is clear that unless the case property is absolutely necessary, Court cannot retained the case property either in the custody of court or in the

1. 2002 10 SCC 283

custody of the police for any time longer. Therefore, no purpose will be served by keeping the said Vehicle bearing no. CG-04-PW-8780 in the custody of investigating agency. Moreover, if the Vehicle would kept in the police custody, it may lose its value. **Considering Reply/ Objection** of the non-applicant, it would be appropriate in the present case to release Vehicle bearing no. CG-04-PW-8780 on imposing conditions upon the applicant. **However, the learned advocate for the applicant submits that the applicants are voluntarily ready to deposit 10 day maintenance charges at the rate of 200/- but I am not agree with him because since long the cattle are in cattle ponds. Hence, I proceed to pass the following order.**

O R D E R

- 1) Application is allowed.
- 2) Police Station, Etapalli is directed to release the seized Vehicle bearing no. CG-04-PW-8780 along with documents to applicant if any, on executing Supratnama bond of Rs. 50,00,000/- (Rupees Fifty Lacs only) in presence of the applicant on following conditions-
 - a) The applicant is directed to deposit Rs. 1,00,000/- (Rs. One lac Only) with the cattle pond where the cattle are kept. The applicant is directed to file copy of payment of receipt of Rs. 1,00,000/- (Rs. One Lac Only) before this Court.
 - b) The Applicant is directed to file submit bond only after deposit of amount of Rs. 1,00,000/- (Rs. One Lac Only) to Cattle Pond
 - c) The applicant shall not change the look and nature of Vehicle bearing no. CG-04-PW-8780 after its released.
 - d) The applicant shall not sale, gift or transfer Vehicle bearing no.

CG-04-PW-8780 after its released.

e) The photographs of Vehicle bearing no. CG-04-PW-8780 be taken before its released be obtained in the presence of panchas at the expenses of the applicant.

f) Police Station, Etapalli is directed to **prepare panchnama** before handing over the possession of Vehicle bearing no. CG-04-PW-8780 to the applicant and to file the same in the record of crime No. 108/2025.

g) The applicant to give undertaking that if it is found that Vehicle bearing no. CG-04-PW-8780 is involved in the offence and if the accused is convicted then he will deposit Vehicle bearing no. CG-04-PW-8780 or the bond amount in the court as and when order.

h) Hamdast allowed.

Date :18-04-2026

(S.M.H. Shahid)
Judicial Magistrate, First Class,
Aheri
(J.O CODE MH-2613)