

### ORDER BELOW EXH. 01

This is an application for releasing Vehicle (Hero Destini ) bearing registration no. MH-33-AK-3811 seized in Crime No. 17/2026 by Police Station Aldandi for the offence punishable under section 65(a), 83 and 98(2) of Maharashtra Prohibition Act. It is the contention of the applicant that applicant is the owner of Vehicle ( Hero Destini ) bearing registration no. MH-33-AK-3811 which police station Aldandi has seized above vehicle.

2. It is contended that vehicle has no connection with the offence alleged crime. It is contended that applicant required said Vehicle ( Hero Destini ) bearing registration no. MH-33-AK-3811 for personal use and if same are not released he will suffer loss. It is contended that no purpose will be served by keeping Vehicle ( Hero Destini ) bearing registration no. MH-33-AK-3811 in the custody of police agency. Hence, the applicant prayed for releasing Vehicle ( Hero Destini ) bearing registration no. MH-33-AK-3811 on Supratnama.

3. The Perused the record. **Learned APP and Investigating Officer have filed Reply vide Exh. 06 & 07. Heard, the learned Advocate for the applicant and APP for State.**

4. Investigating Officer has filed Reply vide Exh. 06 and opposed the present application. The Investigating Officer has replied that Vehicle is seized in above crime and vehicle may not be released on supratnama as there are chances that the applicant may use the same for similar kind of the offence. Therefore, the application be rejected.

5. 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.

6. The Honourable Apex Court, in *Sunderbai Ambalal Desai Vs. State of Gujarath*<sup>1</sup> 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”.*

7. It is pertinent to note that once the police seized the vehicle in connection with the offence it can not be said that the vehicle and the owner has no involvement 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 custody of the police for any time longer. Therefore, it is the duty of the court to pass appropriate property orders according to law without any delay. No purpose will be served by keeping the said vehicle in the custody of investigating agency. Moreover, if the vehicle would kept in the police custody, it may loose its value and machinery would get jamed. From the record it appears that as the matter is

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1. 2002 10 SCC 283

E-Filed due to which no hard copies and original as well as true copies are available with the Court. Therefore, it is necessary to direct the concern advocate to maintain the original record with them as per rule 10(3) of "E-filing Rule of the High court of Bombay 2022". Considering Reply of the non-applicant, it would be appropriate in the present case to release vehicle on imposing conditions upon the applicant. Hence, I proceed to pass the following order.

### ORDER

- 1) Application is allowed.
- 2) Police Station, Aldandi is directed to release the seized Vehicle ( Hero Destini ) bearing registration no. MH-33-AK-3811 along with the documents of said vehicle to applicant if any, on executing Supratnama bond of Rs. 3,00,000/- (Rupees Three Lacs only) before him, in presence of the applicant on following conditions-
  - a) The applicant shall not change the look and nature of Vehicle ( Hero Destini ) bearing registration no. MH-33-AK-3811 after its released and **will not used for similar kind of offence.**
  - b) The applicant shall not sale, gift or transfer Vehicle ( Hero Destini ) bearing registration no. MH-33-AK-3811 after its released.
  - c) The photographs of Vehicle ( Hero Destini ) bearing registration no. MH-33-AK-3811 from various angles before its released be obtained in the presence of panchas at the expenses of the applicant.

d) Police Station, Aldandi is directed to **prepare panchanama** before handing over the possession to the applicant and to file the same in the record of crime No.17/2026.

e) **The applicant to give undertaking that if it is found that vehicle is involved in the offence and if the accused is convicted then he will deposit the vehicle or the bond amount in the court as and when order.**

f) One Copy of this order be tagged with the crime No.17/2026.

g) Copy of this order be forwarded to concern police station.

h) **Hamdast allowed.**

4) Concern advocate is directed to maintain the original record with him as per rule 10(3) of “E-filing Rule of the High court of Bombay 2022”

Date : 17-03-2026

(S.M.H. Shahid)  
Judicial Magistrate, First Class,  
Aheri