

3] Perused FIR, particulars of vehicle bearing no. MH 34 K 9746, Insurance Policy and Aadhar Card. The accused is charged with the offence punishable under S.65(a)(f)(a) of Maharashtra Prohibition Act. It appears that the particulars of vehicle is in the name of applicant. The accused filed his say at Exh.7 stating that he has no objection to release the said vehicle in favour of the applicant.

4] Undoubtedly, the vehicle is a movable property. If the property is not dealt properly and promptly, it is subject to speedy and natural decay thereby the owner of the vehicle would suffer because of its remaining unused or by its misappropriation. It is not the contention of the I.O that the investigation in respect of the vehicle is remaining. No purpose would be served by keeping the property in the police station. The right of prosecution to have a fair trial can be protected by imposing necessary conditions. As such, no prejudice would be caused to prosecution if application is allowed. In this context, it is just proper to release the property in favour of applicant. Hence, the following order is passed.

ORDER

- 1] The application is allowed.
- 2] The vehicle namely Hero Splendor bearing number MH 34 K 9746 be handed over to the applicant on execution of indemnity bond of Rs. 30,000/- until the disposal of the case or further order of this Court incorporating the following conditions :
 - a) He will produce the vehicle as and when required before the

Court.

- b) He will not transfer or dispose it of in any manner whatsoever without prior permission of this Court.
 - c) He will not alter, tamper or change the nature of the vehicle in any manner whatsoever.
 - d) He will not use it to commit any offence.
- 3] If he fails to abide by any of the conditions, his bond would be forfeited.
- 4] For fair trial, Investigation Officer in crime no. 4/2026 is directed to prepare proper and detailed panchanama describing the nature of the property in details after taking colour photographs of the vehicle and file the same with the charge-sheet.
- 5] The *afore* said photographs shall be signed by the complainant, accused as well as the applicant.
- 6] The copy of this order be sent to Police Station, Mulchera to file it in crime no. 4/2026.
- 7] The Investigating Officer shall return the vehicle to the applicant after verifying the ownership from the certificate of registration and on confirming that the vehicle is duly insured.
- 8] Application is disposed of accordingly.

Date: 12/03/2026

Sd/-
(S. A. Bhaisare)
Judicial Magistrate, First Class,
Chamorshi