

Order below Exh.11 in Special Case (NDPS) No.78 of 2024
(State of Maharashtra Vs. Mukesh Raju Pawara)
(CNR No. MHJG-01000-912-2024)

This is an application filed by accused **Mukesh Raju Pawara** and requested to return his motorcycle bearing no. **MH-18/CA-3151** having **Chassis No. ME4JC85DLNG091286** and **Engine No. JC85EG2249862** seized by the Chopda gramin police station in Crime No. 200 of 2023 registered under Sections 20(B) and 22 of the Narcotics Drugs and Psychotropic Substances Act, 1985 on executing his indemnity bond.

02) In the application the applicant submitted that he has purchased said motorcycle on finance from Pranav Enterprises Company and its loan installments are paid from his labour work. Due to his motorcycle seized by the police he is not able to go on work. He needs the motorcycle for labour work. But the said motorcycle is seized by the police in Crime No.200 of 2023 which is registered under Sections 20(B) and 22 of the Narcotics Drugs and Psychotropic Substances Act, 1985. The accused is already released on bail but since the date of seizure of motorcycle it is lying idle in the police station. Therefore, the motorcycle its two tyre, battery getting damaged. Therefore, the applicant has requested to release the motorcycle in his custody.

03) Say of the A.P.P. is called. He has filed say at Exh.15. The A.P.P. has given no objection to hand over the custody of the motorcycle to the applicant.

04) Already after completion of investigation charge-sheet against the accused is filed. When the police have conducted raid they have caught accused carrying Ganja on his motorcycle. At the same time motorcycle is recovered from the accused alongwith Ganja. The allegations that the accused found carrying 20 kg 154 gms Ganja in the gunny bag. Here the subject of the trial is Ganja under NDPS Act. The motorcycle is seized because the Ganja was found carrying on the motorcycle. But considering the motorcycle its equipment it is necessary to ride it daily otherwise it will loose its quality. The prosecution has not denied the ownership of the applicant of the motorcycle. The applicant has produced verified copy of his Aadhar Card and RC Book in which his name is Mukesh Raju Pawara. On the contrary considering judgment of the Hon'ble Apex Court in *Sunderabai V/s. State of Gujrat*, it is necessary to return the motorcycle after taking its photographs from all angles and by preparing panchanama. Accordingly, proceed to pass following order -

ORDER

- 01) The application is allowed.
- 02) The motorcycle of Honda make bearing registration No. **MH-18/CA-3151** having **Chassis No. ME4JC85DLNG091286** and **Engine No. JC85EG2249862** seized by the Chopda gramin police station in Crime No. 200 of 2023 registered under Sections 20(B) and 22 of the Narcotics Drugs and Psychotropic Substances Act, 1985 on executing his indemnity bond be released in favour of the applicant

Mukesh Raju Pawara on his executing indemnity bond of Rs.50,000/-(Rs. Fifty Thousands only).

- 03) The applicant shall not cause any changes in the original make of the said vehicle.
- 04) The applicant should not create any thirty party interest and produce it in court, as and when ordered by the court.
- 05) The I.O. is directed to take photographs and prepare detailed panchanama of the motorcycle before handing over the possession of the said motorcycle to the applicant.

Date :- 15th July, 2025
Amalner.

(C. V. Patil)
Special Judge (NDPS) &
Additional Sessions Judge,
Amalner, Dist. Jalgaon.

Directly dictated on computer
on 15th July, 2025.