


MHKO010010722026. 	<u>Order passed below Exh. 1 in</u> <u>Misc. Cri.Appln No. 58/2026</u> (Mohan Krushnat Wadkar Vs.State of Maharashtra)
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1. The applicant is seeking interim custody of the Pickup Van having make of Piaggio vehicles Pvt. Ltd, Model Apple Cargo D-600 PICKUP Van, bearing Registration No.MH-13-R-9544, which has been seized during investigation of C.R. No.40/2026 registered with the Radhanagari Police Station.

2. It is contended that, the applicant is registered owner of the aforesaid vehicle and it is of his day-to-day use. It is further contended that, if the vehicle is kept lying at the police station for indefinite period, it may get damaged due to weather conditions. The applicant is ready to abide by any conditions that may be imposed.

3. The State has filed say and resisted the application on the grounds that, the vehicle has been used in commission of the crime and the applicant may use it again and again for committing similar offence. It is also contended that, the applicant may make alterations in the said vehicle.

4. I have heard the Ld. Advocate Smt. Ingale for the applicant and the Ld. APP Mr. R. V. Chavan for the State.

5. The applicant has placed on record copy of the R. C. Smart Card which shows that, the vehicle having make of Piaggio

vehicles Pvt. Ltd, Model Apple Cargo D-600 PICKUP Van, bearing Registration No.MH-13-R-9544 is registered in the name of the applicant. The applicant has also placed on record copy of his Aadhar Card as well as insurance policy and it appears that, the vehicle carries valid insurance. The crime is registered for offence under section 8 (c) punishable under section 20 (b) (ii) and 20 (b) of the NDPS Act and it is alleged that, the applicant-accused was carrying contraband in the aforesaid vehicle. In **Bishwajit Dey Vs. State of Assam, 2025 DGLS (SC) 33**, the Hon'ble Apex Court has held that, seized vehicles can be confiscated by trial Court only on conclusion of trial and there is no specific bar under provisions of the NDPS Act for return of any seized vehicle used for transporting narcotic drugs for psychotropic substance pending disposal of criminal case.

6. It may take considerable time in deciding the criminal case on merits and it will be in the larger interest of justice to give the seized vehicle in the interim custody of the registered owner i.e. the applicant on indemnity bond. The apprehension of the State can be taken care of by putting certain conditions.

7. Hence, I pass the following order:

ORDER

- (1) The application is allowed.
- (2) The Pick-up Van having make of Piaggio vehicles Pvt. Ltd, Model Apple Cargo D-600 PICKUP Van, bearing Registration No.MH-13-R-9544, which has been seized in C.R. No.40/2026 registered with the Radhanagari Police Station, be returned to the applicant Mohan Krushnat Wadkar on following conditions:

- (a) That the applicant shall execute an indemnity bond (supurtnama) for Rs. 1,39,400/- (Rs. One Lakh Thirty Nine Thousand And Four Hundred only).
- (b) The applicant shall not make any material changes in the appearance of the vehicle, nor shall sell or dispose it of without permission of this Court.
- (c) The applicant shall produce the said vehicle as and when directed by this Court.
- (3) The I. O. is directed to take photographs of the seized vehicle and place the same on record before returning the same to the applicant.
- (4) Issue letter to the concerned Police Station on compliance by the applicant.
- (5) Since the application is filed online, separate physical copy of this order is not maintained. All concerned to act upon digitally signed copy of this order uploaded online.

Date: 29/04/2026

(R. V. Utpat)
Additional Sessions Judge,
Kolhapur.

I affirm that the contents of this P.D.F. file order are same, word to word, as per the original order.

Name of the Stenographer	Sou.S.R.Tambvekar
Name of Court	Shri. R. V. Utpat Addl. Sessions Judge, Kolhapur
Date of Dictation	29/04/2026
Order signed by the P.O. on	29/04/2026
Order uploaded on	29/04/2026