

MHKO030097482026



Criminal Misc. Application No. 873/2026

State Excise Office, Shahuwadi Kr. 2, Kolhapur
C.R. No. 114/2026

Suresh Tukakram Patil

V/s

State of Maharashtra

ORDER BELOW EXH.1

1. Heard both sides. Perused application and say of I.O. and learned A.P.P. The applicant has sought to release seized property i.e. Hero Company Splendor two wheeler bearing registration No. MH-09-FC-4887 having Chassis No. MBLHAR077JHH35971 and Engine No. HA1OAGJHH56343, Model 2018, stating his ownership thereon. It is the contention of the applicant that further custody of the seized property with the police will cause heavy loss to him.

2. Investigating officer has given his say and contended that the above mentioned vehicle is used in the alleged offence. Hence, I.O. has objection to return the muddemal to the applicant. The Ld. A.P.P. has filed his say and contended that the alleged muddemal is used in commission of offence and there is possibility of using said vehicle in commission of another offence. Hence, I.O. and Ld. A.P.P. prayed for rejection of application.

3. No doubt offence is serious. The alleged vehicle is seized in connection with offence and now lying in the police station. The application is supported by the affidavit and relevant documents of applicant. The applicant has filed on record the copies of F.I.R., verified copy of R.C. Book, copy of Aadhar card and insurance policy of the alleged vehicle.

4. On perusal of the record and proceeding prima facie it appears that, applicant is the owner of seized vehicle. Further, if vehicle remain lying in the police station there are chances of damages to the vehicle. As Documents are supporting to the case of the applicant. In view of the directions of the Hon'ble Supreme Court in the matter of *Sunderbhai Ambalal Desai V/s. State of Gujrat (A.I.R. 2003 Supreme Court 638)* and for the aforesaid reasons, I pass the following order:-

-. ORDER :-

- 1] Application is allowed.
- 1] Muddemal property seized in C.R. No. 114/2026 of State Excise Office, Shahuwadi No. 2, Kolhapur i.e. Hero Company Splendor two wheeler bearing registration No. MH-09-FC-4887 having Chassis No. MBLHAR077JHH35971 and Engine No. HA1OAGJHH56343, Model 2018,, be given in the interim custody of the applicant on execution of indemnity bond of Rs.60,000/- (Rs. Sixty Thousand Only) and on condition that he shall not sell out the same or change its nature and shall produce the same before the court, when ordered.
- 2] Investigating Officer of of State Excise, Shahuwadi No. 2, Kolhapur is hereby directed to prepare detail panchanama of the said property, snap its photographs on all dimension and file his report to this Court.

Date : 09/07/2026
Place : Kolhapur

A. S. Pansare
Judicial Magistrate First Class,
(Court No.5), Kolhapur.