

ORDER BELOW EXH.1 IN Cri. M. A. No. 51/2026

(CNR NO. MHKO050008452026)

(Sandip Suresh Rao Desai Vs. State of Maharashtra)

The present application is filed by the applicant under Sec. 497 and 503 of BNSS, 2023 in connection with Cr. No. 404/2025 for the offences punishable under Sec. 65 (a) (e) of Maharashtra Prohibition Act, 1949 for interim custody of seized muddemal property i.e. Mahindra Car.

2) The said vehicle is seized by police and taken into custody. The description of seized vehicle is as under :-

- (i) Type of vehicle : 4 wheeler Car.
- (ii) Name of company : Mahindra & Mahindra Co. Ltd.
- (iii) Model : XUV 500 FWD W8IC
- (iv) Registration No. : MH-09-DA-9419
- (v) Chassis No. : MA1LYT2HJUE6H16493
- (vi) Engine No. : HJE4H19525
- (vii) Colour : M Silver.

3) The applicant states that, the said muddemal seized by the police in CR. No.404/2025. The seized vehicle is parked at police station. It is further stated that if the vehicle continues to be in such situation, it would be prone to damage or destruction due to natural events. Furthermore, the vehicle is required for day to day work of the applicant. Hence, prayed that the application be allowed and the vehicle be released.

4) I.O. and Ld. APP filed their say and submitted that the application may be allowed by imposing necessary conditions.

5) In order to prove the ownership in respect of seized muddemal, the applicant produced following documents-

- i) Copy of R.C. Book.

- ii) Copy of the Aadhar Card of the applicant.
- iii) Insurance copy of said vehicle.
- iv) Copy of the FIR.

6) The applicant is ready to abide by all the conditions imposed by the Court. The Hon'ble Supreme Court in the case of **Sunderbhai Ambalal Desai Vs. State of Gujrat[(2002) 10 SCC 283]** directed that the Magistrates are required to pass appropriate orders immediately by taking appropriate bond and guarantee as well security for returned of the vehicle seized, whenever such application for return is made.

7) Considering the facts in the case and observations of the Hon'ble Apex Court in the matter of ***Sunderbhai Desai*** cited supra, if the vehicle is kept in open premises of police station and if it is not used, its essential motor parts will be damaged. Keeping such vehicle stationary will also cause fast natural decay due to changing weather conditions, it will loose its utility. Further, the possibility of several valuable and costly parts of such vehicle being stolen cannot be ruled out. Therefore, the seized vehicle be given to the applicant by imposing appropriate conditions. Hence, the following order is passed;

ORDER

1) The application below Exh. No.1 in Cri. M.A. No.51/2026 is allowed.

2) The applicant shall execute bond of Rs.5,00,000/- (Rs. Five Lakh only) for the release of MahindraXUV 500 FWD W8IC registration No. MH-09-DA-9419, Chassis No. MA1LYT2HJUE6H16493, Engine No. HJE4H19525 seized in C.R.No. 404/2025 registered with Excise Kolhapur (दुय्यम निरीक्षक भरारी पथक कोल्हापूर) on interim custody in its possession during pending the trial and inquiry subject to the the following terms and conditions –

2.1) The concerned Investigating Officer is directed that before releasing the said muddemal in favor of applicant, he shall take coloured photographs of the vehicle from the different angles so as

to identify the particulars of the said muddemal and shall prepare detailed panchnama.

2.2) Applicant to bear the cost of photographs.

2.3) That the applicant shall undertake not to sale, transfer or dispose of the aforesaid muddemal/vehicle in any manner whatsoever and/or shall not make any changes in its body, colour, chassis, engine number seized vehicle. No damage shall be caused to the muddemal. The applicant shall maintain and preserve the property in its all respects till final disposal of the trial.

2.4) The applicant shall produce the property as and when directed by the court.

2.5) It is made clear that, in case of any allegation regarding involvement of the said property in any criminal activity, the order as to interim release of the same shall stand vacated automatically and the Court shall have due authority to take necessary steps for seizure of the said seized muddemal.

2.6) The applicant shall not change identity and create third party interest in the above described vehicle in any manner without prior permission of the Court.

2.7) Indemnity bond shall be executed in the concerned police station.

3) The I.O shall take care that said photographs, panchnama and indemnity bond furnished by the applicant shall find its place in the charge-sheet.

4) Copy of order be sent to the concerned I.O. for compliance and inform the concern police station accordingly.

Sd/-

(M.S.Gawade)

**Judicial Magistrate F.C. (Court No.5),
Ichalkaranji.**

Date: 20/03/2026.
Place : Ichalkaranji.