


MHKO130001242026 	<p style="text-align: center;"><u>Dattatray Keraba Davari</u> <u>Vs.</u> <u>State of Maharashtra Th. Murgud Police Station.</u></p>
---	---

ORDER PASSED BELOW EXH.1 IN Cri.M.A. NO. 16/2026.

- 1] The present application is filed by applicant– Shri. Dattatray Keraba Davari for return of property i.e Honda Unicorn Motorcycle & Scooter India (P) Ltd. bearing registration No. MH-09-GX-1878, Chasis No. ME4KC407ASA000880, Engine No. KC40EA400053, total worth Rs. 1,00,000/-. The said vehicle is seized by Murgud police station in CR No. 01/2026 for the offence punishable under Section 8(c), 22(a) & 29 of the Narcotic Drugs and Psychotropic Substance Act, 1985.
- 2] It is contended that applicant is registered owner of the aforesaid vehicle. The application is supported by affidavit of applicant and necessary documents.
- 3] Accordingly say of learned A.P.P. & Investigating Officer was called. Learned A.P.P. has filed her say and submitted that, prosecution has objection to hand over the custody of the seized property to applicant.
- 4] The Investigating Officer filed his say and submitted that prosecution has no objection to hand over the custody of the seized property to applicant.

5] Applicant had filed following documents:-

- i] Copy FIR of CR No. 01/2026,
- ii) Verified copy of Certificate of Registration of the seized vehicle,
- iii) Verified copy of the purchase receipt of the seized vehicle,
- v) Verified copy of Insurance certificate of the seized vehicle,
- vi] Verified copy of Adhar-card.

6] Heard both the sides. Perused the record and documents. From the documents, it appears that the applicant is to be the registered owner of the seized property i.e. Honda Unicorn Motorcycle & Scooter India (P) Ltd. bearing registration No. MH-09-GX-1878. The said seized vehicle is not claimed by anybody except the applicant. No purpose would be served in keeping the seized vehicle lying in the police station. The possibility of the damage of the property can not be ruled out if kept lying idle in the police station.

7] As the applicant has prima-facie shown his ownership of the seized property, he is entitled for possession of the same. As far as the apprehension raised by the prosecution, it is just and proper to impose conditions while temporarily releasing the vehicle. Therefore, applicant being lawful owner, possessor/claimant of the vehicle in question, the said may be released temporarily in his favour till the conclusion of trial, by imposing certain conditions. 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 the aforesaid

reasons, in the interest of justice, I proceed to pass the following order:-

ORDER

- 1] The application is allowed.
- 2] The seized property i.e. Honda Unicorn Motorcycle & Scooter India (P) Ltd. bearing registration No. MH-09-GX-1878, Chasis No. ME4KC407ASA000880, Engine No. KC40EA400053, which was seized by Murgud Police Station in C.R. No. 01/2026 be released temporarily till the conclusion of the trial in favour of applicant on furnishing indemnity bond of Rs. 2,00,000/- (Rupees Two Lac only).
- 3] The P.S.O. Murgud Police Station is directed to hand over said vehicle to the applicant – Shri. Dattatray Keraba Davari which is seized in the C.R. No. 01/2026.
- 4] The applicant shall produce the said muddemal, as and when directed by the court and he shall undertake that :-
 - i) He shall not change the nature of the said property;
 - ii) He shall not alienate/sell the said property;
 - iii) He shall maintain and preserve the property in all respects.
- 5] Investigating Officer to prepare the detail panchnama while handing over the said muddemal to the applicant and file panchnama in the charge-sheet.
- 6] Investigating Officer is directed to take photograph of the said

vehicle and submit it along with charge-sheet. Photographs of aforesaid vehicle are attested/countersigned by the applicant to whom the custody is handed over.

- 7] Copy be forwarded to Murgud Police Station, Murgud for information and necessary action.
- 8] The application is disposed of accordingly.

Place : Kagal.
Date : 13/03/2026

(Smt. Pranita Suhas Patil)
Judicial Magistrate First Class, Kagal.