

MHKO130003142026 	<u>ORDER BELOW EXH. 01 IN</u> <u>Cri. M. A. No. 37/2026</u> Hiranya Packaging Pvt Ltd Through Proprietor Pravin Tukaram Waingade Vs. State of Maharashtra Th. Excise Dept. Kagal
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The present application is filed u/s. 503 of the Bhartiya Nagarik Suraksha Sanhita, 2023 by applicant– Hiranya Packaging Pvt Ltd Through Proprietor Pravin Tukaram Waingade for possession of property bearing house No. 1257/1258/2 Tilak Peth, Near Bank of Baroda, Gadhinglaj which is sealed by the I.O. in C.R. No. 08/2026 which is registered at State Excise Office, Kagal for the offences punishable under section 65(a),(b),(d), 81, 83, 90 & 108 of the Maharashtra Prohibition Act, 1949, Sec. 123, 341, 342, 345(1), 346 of the Bhartiya Nyaya Sanhita & Sec. 103 & 104 of the Trade Mark Act, 1999. Moreover, vide the present application applicant also prayed for possession of one Samsung Company mobile handset bearing model No.A55 IMEI No. 352053261743879, RS4 printing machine, bundle of 10,000 John Distillery boxes having khaki colour which is also seized by the I.O. in above mentioned C.R. No. 08/2026.

2] Accordingly say of learned A.P.P. & Investigating Officer was called. Learned A.P.P. & Investigating Officer have filed their say and submitted their objection to hand over the possession of the sealed property to the applicant and also the other seized muddemal.

3] It is the case of applicant that immovable property i.e. Hiranya Packaging Private Limited which is situated at Gadhingalaj, Tal. Gadhingalaj house No.1257/1258/2, Tilak Peth, Near Bank of Baroda is owned by the applicant and sealed by the State Excise Office, Kagal in C.R. No.08/2026. Applicant further submitted that applicant has suffered monetary loss as the said property was sealed since 22/01/2026 and the said company is the earning sources of the applicant. Moreover, he has also filed copy of the purchase receipt of alleged mobile, RS printing machine and purchase order of the aforesaid John Distillery boxes.

4] In support of his application, applicant has placed on record affidavit. Applicant has also submitted the copy of GST Certificate, Certificate of Incorporation, Udyam Registration Certificate, Lease Deed, Memorandum of Association of Hiranya Packaging Pvt Ltd. Company, purchase receipt of alleged mobile and RS4 printing machine and purchase order of John Distillery, Aadhar Card of the applicant and FIR of the C.R.No. 08/2026. The applicant submitted that he is ready to submit indemnity bond as may be required by the Court. Applicant has shown readiness to abide the terms and conditions laid down by the Court.

5] Heard the learned advocate for the applicant and learned A.P.P. for the State at sufficient length. Perused the application, say filed by the learned A.P.P. and I.O. and documents filed on record.

6] Perused the record of the case and document filed on record. On perusal of the record, it appears that, in C.R.No. 08/2026 the above mentioned immovable property was sealed by the investigating officer and the alleged mobile handset, RS4 printing machine, bundle of 10,000 John Distillery boxes having khaki colour are seized by the I.O.

7] Moreover, on perusal of copy of GST Certificate, Certificate of Incorporation, Udyam Registration Certificate it appears that the said Hiranya Packaging Pvt Ltd company having its address of principal place of business at the premises which is sealed by the I.O. Furthermore, Udyam Registration Certificate reveals that the said certificate has been given for the manufacturing activity which specifically deals with manufacture of paper and paper products, cardboard boxes etc.

8] On perusal of the lease deed, it appears that the said premises which are sealed by the I.O. is in possession of the Hiranya Packaging Pvt Ltd at the time of alleged incidence. Furthermore name of the applicant i.e. Mr. Pravin Tukaram Waingade is also mentioned as the director in the said transfer registered deed. Moreover, investigating officer has also not denied the possession of Hiranya Packaging Pvt Ltd at the time of alleged raid or alleged incidence.

9] Furthermore, receipt of the RS printing machine depicts the name of buyer as Hiranya Packaging Pvt Ltd. Moreover,

purchase order of John Distillery boxes also reveals the name of supplier as Hiranya Packaging Pvt Ltd. More importantly, applicant also submitted the copy of the receipt of the alleged mobile which is seized by the I.O. it bears the name of applicant.

10] Considering above mentioned aspects, it appears that, applicant has prima-facie prove his lawful ownership, possession and claim to the above mentioned seized muddemal i.e. alleged mobile handset, RS4 printing machine and bundle of 10,000 John Distillery boxes having khaki colour, The said seized muddemal is not claimed by anybody except the applicant. No purpose would be served in keeping the seized muddemal lying in the said premises and in police station. The possibility of the damage of the mobile can not be ruled out if kept lying idle in the police station. Moreover, applicant also prima facie proved his lawful possession and claim regarding the sealed premises and RS4 printing machine and bundle of 10,000 John Distillery boxes having khaki colour. Moreover, investigation of the C.R.No.08/2026 is already completed on 18/03/2026.

11] As the applicant has prima-facie shown his possession/ lawful claim of the seized property, he is entitled for possession of the same. Therefore, applicant being owner and lawful possessor of the said muddemal in question i.e. alleged mobile handset, RS4 printing machine and bundle of 10,000 John Distillery boxes having khaki colour and the premises as mentioned in paragraph 01 of the order which is sealed by the I.O., 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, the application is deserved to be allowed. Hence, I proceed to pass the following order :-

ORDER

- 1] The application is allowed.
- 2] The seized property i.e. 'Samsung company mobile handset, Model A55, bearing IMEI No. 352053261743879, RS4 printing machine, bundle of 10,000 John Distillery boxes which was seized by State Excise Office, Kagal in C.R. No. 08/2026 be released temporarily till the conclusion of the trial in favour of applicant- Hiranya Packaging Pvt Ltd Through Proprietor Pravin Tukaram Waingade on furnishing indemnity bond of Rs. 12,00,000/- only (Twelve Lakhs only).
- 3] The P.S.O. State Excise Office, Kagal is directed to hand over said muddemal i.e. 'Samsung company mobile handset, Model A55, bearing IMEI No. 352053261743879, RS4 printing machine, bundle of 10,000 John Distillery boxes to the applicant – Hiranya Packaging Pvt Ltd Through Proprietor Pravin Tukaram Waingade which is seized in the C.R. No. 08/2026.
- 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 including the data contained in it.

5] Investigating Officer is directed to prepare the detail panchnama while handing over the said muddemal to the applicant and file panchnama accordingly.

6] The sealed and seized property i.e. property bearing house No. 1257/1258/2 Tilak Peth, Near Bank of Baroda, Gadhinglaj which was sealed by State Excise Office, Kagal in C.R. No. 08/2026 be released temporarily till the conclusion of the trial in favour of applicant on furnishing indemnity bond of Rs. 12,00,000/- only (Twelve Lakhs only).

7] The P.S.O. State Excise Office, Kagal is directed to hand over the possession of the said property i.e. property bearing house No. 1257/1258/2 Tilak Peth, Near Bank of Baroda, Gadhinglaj to the applicant – Hiranya Packaging Pvt Ltd Through Proprietor Pravin Tukaram Waingade which is sealed and seized in the C.R. No. 08/2026.

8] The applicant shall undertake with respect to the property bearing house No. 1257/1258/2 Tilak Peth, Near Bank of Baroda, Gadhinglaj 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.

9] Investigating Officer is directed to prepare the detail panchnama while handing over the possession of the alleged immovable property to the applicant and file panchnama accordingly.

10] Investigating Officer is directed to take photograph of the said article and submit it along with panchnama. Photographs of aforesaid article is attested/countersigned by the applicant to whom the custody is handed over.

11] Copy of the order be forwarded to State Excise Office, Kagal for information and necessary action.

12] Copy of this order along with all papers of panchnama, whenever filed before the Court shall be kept along with charge sheet.

13] The application is disposed of accordingly.

Place : Kagal.
Date : 02/07/2026

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