

Order below application of PSI, Police Station, Kingaon, Tq. Ahmedpur Dist.Latur
dt.25-09-2025.

(Passed on this 17th of October, 2025)

01] This is an application filed by PSI, Police Station, Kingaon, Tq.Ahmedpur Dist.Latur, permission to destroy the following muddemal property as follows -

Sr.No.	Cr. No.	U/Sec.	Description	Case No.
1.	241/24	65 A, E Bombay Prohibiti on act	1.180 ML Country liquor 495 bottles 2.90 ML Country liquor 200 bottles 3.180 ML Foreign liquor 07 bottles	SCC No. 478/24
2.	90/21	65 A, E, 81,83 Bombay Prohibiti on act	180 ML Country liquor 4320 bottles	RCC No. 386/21

(Hereinafter shall be referred to as 'Seized Muddemal'), which are registered with said P.S., for the offence punishable under Bombay Prohibition Act, 1949 (For Short 'B.P. Act.')

02] According to Officer In-charge, his officious have seized said muddemal from custody of accused in the aforesaid mentioned crime. He sent to the sample of said muddemal to Analyst, at Forensic Lab for analysis. The report of the said analysis has been filed in the respective cases. According to him the said muddemal is lying within the premises of Kingaon police station from the date of crime registered. It is perishable in nature. It is creating dirty smell and stink which is dangerous to the health of the people surrounding the said police station. However, the said muddemal contravening the provisions of Maharashtra Prohibition Act.

03] I have called say of accused he has no objection to disposed the seized muddemal. On perusing the remand papers of aforesaid, it appears that, the seized muddemal is a perishable substance. It requires proper order about its disposition.

04] Admittedly, it is lying open in the premises of police station. It is natural that it will start decaying within a short span due to continuous exposure to open atmosphere. Once it starts decaying, it will create stink in the area and will definitely cause nuisance to the public residing in the locality. It may also cause health issues to the people nearby, if it is kept lying in the open. The accused has not claimed the muddemal.

05] Moreover, within the meaning of section 98(2) of the Prohibition Act, any receptacle, package or covering in which any of the articles liable to confiscation under sub-section(1) is found and the other contents of such receptacle, package or covering and the animals, carts, vessels or other conveyances used in carrying any such article shall likewise be liable to confiscation by the order of the Court.

06] However, Section 101 of the Prohibition Act, laid down that, If the thing in question is liable to speedy and natural decay, or if the Commissioner, Collector, Court or the officer authorized by the State Government in this behalf is of opinion that the sale would be for the benefit of the owner. The Commissioner, Collector, Court or the officer may at any time direct it to be sold and the provisions of section 99 or 100 shall apply so far as may be to the net proceeds of the sale:

'Provided that, where anything is liable to speedy and natural decay, or is of trifling value, the Court, or the officer concerned may order such thing to be destroyed, if in its or his opinion such order is expedient in the circumstances of the case'.

07] Going through the proviso of Section 101 of said Act. I come to the conclusion that, it would be proper to destroyed the seized muddemal by following due process. The procedure of destroyed the muddemal is provided in the said Act, as to follow the procedure, the Officer in-charge of police station is necessary to direct the aforesaid mentioned muddemal handed over to State Excise Office, Latur. State Excise Officer, has take measurement regarding the destroy aforesaid muddemal, by adopting due process. He shall prepare report about the procedure of destroy and it filed in the Court. Therefore, I am of the opinion that the application deserves to be allowed. Hence, the following order.

ORDER

1. The application is allowed.
2. All the above seized muddemal be handed over to State Excise Officer, Latur for destroyed as per the rule.
3. The State Excise Officer, Latur is directed to take photographs from 3 different angles of seized muddemal Sr. No.1 and 2 and draw a panchanama before destroying the muddemal, before two panchas and submit its report.
4. The Officer In-charge of Police Station, Kingaon is hereby directed to submitted the Chemical Analyses report of seized muddemal Sr. No.1 and 2 as early as possible.

(Dictated and pronounced in open Court)

Place:- Ahmedpur
Date:- 17/10/2025

(M.C. Hasge)
2nd Jt. Judicial Magistrate First Class,
Ahmedpur.