

MHLA140004432026



Order below Exh.01 in Cri. M.A. No. 21/2026)

The application is filed by **Niranjan Uttam Chavan** vide Section 503 of Bhartiya Nagrik Suraksha Sanhita, 2023 (In short B.N.S.S.) and the application is supported with an affidavit of applicant.

2. It is contended that Black colored Bajaj Pulsar motorcycle bearing registration No.**MH-24-CA-5646**, Chassis No. **MD2A11CX4SCK50126** and Engine No. **DHXCRJ31634** (In short 'said vehicle') and One plus nord mobile having IMEI No.868218056673170 were seized in C.R.No. **38/2026** lodged in Excise Department Nilanga-1 registered for the offence punishable under sections 65(a), 65(e),81,83,90,103 and 108 of Maharashtra Prohibition Act. The applicant is the owner of the vehicle and mobile. He needs the above vehicle and mobile for his day-to-day routine. The applicant is ready to abide by any condition imposed by the Court at the time of release.

3. Say of Ld. APP, accused and investigating officer (I.O. in short) was called. Ld. APP and I.O. have submitted that seized vehicle and mobile are essential for a trial, if vehicle and mobile are released, then there is every possibility that the applicant will dispose of it. I.O. further contended that, he has yet not received CDR report. Hence, they prayed for the rejection of the application. Accused has filed his no objection vide Ex.11.

4. Perused the application, say, and material placed on record.

Heard Ld. Counsel for the applicant and Ld. A. P. P.

5. Applicant in support of his contentions he has produced certified copy of FIR at the Ex.6, verified copy of RC Book and tax invoice of mobile vide Exh9 & 10, copy of his Aadhar card at the Ex.3/4. On the perusal of say of investigating officer and FIR it can be seen that MH-24-CA-5646 and seized mobile have been seized by the Excise Department Nilanga-1 in C.R.No.38/2026. Thus, the vehicle and mobile which are sought to be released by way of this application is one and the same which are seized in C.R.No. 38/2026. The registration number of the vehicle mentioned in the say filed by I.O. is the same as is mentioned in the application. Also, the verified copy of vehicle particulars at Exh.9 reflects the same registration, engine, and chassis number as in the application. Further, bill vide Ex.9 shows that the seized mobile was purchased by the present applicant.

6. S.503 of B.N.S.S. empowers the court to grant interim custody of property to the person who is entitled to the possession of the vehicle. Vehicle particulars certificate at Exh. 9 and tax invoice vide Ex.10 appears to be issued in the name of the applicant. Also, no objection has been raised by any third person to the claim of the applicant to date. However, I.O. contended he has not received CDR report of seized mobile. Thus, seized mobile required for the investigation. Therefore, it can not be released at this stage. Moreover, it can be said that the *prima facie* applicant appears to be entitled to the possession of the vehicle seized only. It is observed by the Hon'ble Apex Court in **Sunderbhai Ambalal Desai and C.M. Mudaliar Vs. State of Gujarat** AIR 2003 SC 638 that the object of the Code seems to be that any property which is in the control of the Court either directly or

indirectly should be disposed of by the Court and a just and proper order should be passed by the Court regarding its disposal, whatever the situation, it is of no use to keep such seized vehicles at the police stations for a long period. It is for the Magistrate to pass appropriate orders immediately by taking appropriate bond and guarantee as well as security for the return of the said vehicles if required at any point in time. This can be done pending a hearing of applications for the return of such vehicles.

7. No doubt, the offenses alleged are very serious. However, no purpose would be served if the vehicle is kept in the police station that too for an uncertain amount of time without being used. It will eventually lead to depreciation and damage of the vehicle which is certainly not the object of this provision. Therefore, it would not be just and appropriate to deprive the applicant of its usage till the conclusion of the trial without there being any reason to the contrary. The said vehicle is required to be released pending the conclusion of the trial subject to certain conditions. Hence the order-

ORDER

1. Application is partly allowed.
2. It is hereby directed to Police Inspector Excise Department Nilanga-1, Tq. Ausa to give **interim custody** of Bajaj Pulsar motorcycle bearing registration No. **MH-24-CA-5646**, Chassis No. **MD2A11CX4SCK50126** and Engine No. **DHXCRJ31634** (In short 'said vehicle') was seized in C.R.No. **38/2026** lodged in Excise Department Nilanga-1 **till the conclusion of a trial** on furnishing

indemnity bond of **Rs. 1,25,000/-** (Rs. One lac Twenty Five Thousand only) and on following conditions-

- A) It is directed to Investigating Officer to release seized vehicle i.e. MH-24-CA-5646, Chassis no. **MD2A11CX4SCK50126** and Engine No. **DHXCRJ31634** to the applicant on producing copy of a valid insurance policy of the same.
 - B) Applicant shall produce said vehicle as and when required by the Court.
 - C) He shall not sell, transfer, or change the nature of said vehicle till final disposal of the said crime.
 - D) He shall submit a certified copy of R.C. Book, PUC, and his driver's license to Excise Department Nilanga-1 at the time of furnishing the indemnity bond.
 - F) He shall furnish his proof of identity and proof of current address before or at the time of furnishing indemnity bond as above.
3. The investigating officer is directed to carry out a detailed panchanama of the vehicle before returning it and shall take colored photographs of the vehicle at every angle so as to exhibit the registration number of the said vehicle.
 4. It is directed to IO to file the indemnity bond, insurance policy and the panchanama with coloured photographs in this Court.
 5. Copy of this order be forwarded to I.O and P.I concerned

forthwith.

(Dictated and pronounced in open court)

Ausa

(Smt.S. H. Nalawade)

Date – 24.03.2026

Judicial Magistrate F.C., Ausa