

MHLA140005862026

Order Below Exh. 1 in Cri. M.A No.38/2026.

Radhika Ranjit Chavhan
Vs.
State of Maharashtra

This is an application filed under section 503 of Bharatiya Nagarik Suraksha Sanhita, 2023 for return of property i.e. TVS Company Jupiter Scooty bearing No. MH-24-BK-8799, Chassis No. MD626CG52M1F07424 and Engine No. EG5FM1600442 seized by Inspector, State Excise Nilanga-3 in Crime No. 37/2026 for offence punishable under section 65(a) (e), 81, 83 of Maharashtra Prohibition Act.

2. That the applicant is the owner of the said vehicle. The above said vehicle was using by the applicant. Police station Inspector, State Excise Nilanga seized above said vehicle in C.R. No.37/2026 from accused. Therefore, the applicant filed this application for getting custody of said vehicle The applicant further submitted that said vehicle is lying in the Police station as unattended condition and therefore possibility of it's damage by natural calamities cannot be ruled out. She submitted that, she is ready to abide all the conditions if any imposed by the Court. On these grounds, the applicant sought for return of the seized muddemal property.

3. Say of I.O and A.P.P was called. They have raised objection to return the said vehicle to the applicant on the ground that applicant is transfer or sale or change the nature of vehicle if it released. It is further submitted that if said vehicle given in the custody of applicant, there is possibility of using it again in similar crime.

4. Heard A.P.P for the State and Advocate for the applicant.

5. In the present case, applicant has filed the verified copy of her aadhar card, verified copy of FIR, verified copy of R.C. book of said vehicle Perused the said document, it reveals that applicant is the owner of the vehicle in question. Therefore, certainly being owner of vehicle, she is entitled to get the possession of the vehicle. Moreover, applicant has claimed for interim custody of the vehicle The point of final custody of Scooty would be decided during the conclusion of trial. In such circumstances, applicant is entitled for the custody of vehicle If vehicle remains idle at Excise Dep. Nilganga, then there is possibility of getting it damaged. No purpose will be served by keeping said vehicle at Excise Dep. Nilanga. So, there is no reason to refuse this application and more particularly in view of the dictum of Their Lordships of the Apex Court in the case of ***Sunderbhai Vs State of Gujrath*** reported in ***(2003) 24 BCR (SC) 444*** wherein it has been observed that, there is no used to keep seized property at Excise Dep. Nilanga for long period and

appropriate orders should be immediately made regarding return of property by taking appropriate bonds as well as security for return of the property, if required at the time of trial. Therefore, I pass the following order :-

ORDER

1. Application is hereby allowed.
2. Interim Custody of seized TVS Company Jupiter Scooty bearing No. MH-24-BK-8799, Chassis No. MD626CG52M1F07424 and Engine No. EG5FM1600442 sized in C.R. No. 37/2026 be given to the applicant namely, **Radhika Ranjit Chavhan** on furnishing bond in sum of Rs.50,000/- (Rs. Fifty Thousand only).
3. I.O. is hereby directed after furnishing bond to prepare detail proper panchanama of said vehicle and take photographs of it and with condition to produce it at the time of trial, if required.
4. I.O is hereby directed to take sufficient photograph of said vehicle with attention of applicant.
5. The applicant shall not sell, transfer the said vehicle or she shall not create third party interest without prior permission of the Court and she shall not change the colour and nature of the vehicle.
6. The applicant shall produce the said motor cycle before the police and the court as and when required.
7. Applicant shall satisfy future claimant, if any.

8. Issue letter to Excise Dep. Nilanga accordingly.
9. Application is accordingly disposed of.

Date : 25/03/2026.

(S. D. Sabale)
Judicial Magistrate, F.C.,
Ausa, Dist. Latur.