

MHLA140006242026



Order below Exh.01 in Cri.M.A. No. 41/2026
(Kishor Dnyaneshwar Patil Vs. State of Maharashtra)

The application is filed by **Kishor Dnyaneshwar Patil** 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 Hero Honda Splendor Plus two wheeler bearing registration No.**MH-25-AH-4014**, Chassis no. **MBLHAR079HHF05505** and Engine No. **HA10AGHHF07588** (In short 'said vehicle') was seized in C.R.No.**17/2026** lodged in Excise Department Nilanga-1 registered for the offence punishable under sections 65(a), 65(e) of Maharashtra Prohibition Act. The applicant is the owner of the two wheeler. He needs the above vehicle 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) were called. Ld. APP and I.O. have submitted that seized vehicle is essential for a trial, if vehicle is released, then there is every possibility that the applicant will dispose of it. Hence, they prayed for the rejection of the application. Accused has filed his no objection vide at Ex.7.

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 has produced

Photocopy of FIR at Ex. No.08, self attested photocopy of E fee receipt at Ex.09, self attested photocopy of vehicle particulars at exh.10. and self attested copy of insurance at Ex.11 along with GST invoice. On the perusal of say of investigating officer and FIR it can be seen that MH-25-AH-4014 has been seized by the Excise Department Nilanga-1 in C.R.No.17/2026. Thus, the vehicle which is sought to be released by way of this application is one and the same which is seized in C.R.No.17/2026. 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 Certificate at Exh.10 reflects the same registration, engine, and chassis number as in the application. Therefore, both the vehicles appear to be one and the same.

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. 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 till today. Therefore, it can be said that the *prima facie* applicant appears to be entitled to the possession of the vehicle seized. 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 allowed.
2. It is hereby directed to Police Inspector Excise Department Nilanga-1, Tq. Ausa to give **interim custody** of Hero Honda Splendor Plus Motor cycle bearing registration number **MH-25-AH-4014**, Chassis no. **MBLHAR079HHF05505** and Engine No. **HA10AGHHF07588** (In short 'said vehicle') was seized in C.R.No. **17/2026** lodged in Excise Department Nilanga-1 **till the conclusion of a trial** on furnishing indemnity bond of **Rs. 70,000/-** (Rs. Seventy Thousand only) and on following conditions-
 - A) It is directed to Investigating Officer to release seized vehicle i.e. MH-25-AH-4014, Chassis No. **MBLHAR079HHF05505** and Engine No. **HA10AGHHF07588** 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 copy of R.C. Book, PUC, his driver's license and aadhar card 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 PI concerned forthwith.

(Dictated and pronounced in open court)

Ausa

Date – 16.03.2026

(Smt.S. H. Nalawade)

Judicial Magistrate F.C., Ausa