



**In Court of Judge, Special Court NDPS Act, Nagpur.**

Presided over by  
Shri. P. M. Nagalkar.

I. A. No.2 of 2025.

**Special Case No.825 of 2024.**

CNR No: MHNG010127302024.

Crime No.376 of 2024, P. S. Sakkardara.

State of Maharashtra.  
(Through P. S. Sakkardara.)

V/s

Abdul Rafik and ors.

***Applicant - Abdul Rafik S/o Abdul Aziz.***

**ORDER BELOW EXH.7**

(Passed on this 4<sup>th</sup> January 2025)

1. This is an application for releasing the vehicle Two Wheeler Suzuki Burgman Street Pearl Mirage White colour Moped bearing No.MH-49-BX-6816 hereinafter terms as the said '**vehicle**' as an interim custody under Section 503 of the Bhartiya Nagrik Surkasha Sanhita.
2. The applicant submitted that he is ready to abide by any condition and is in need of vehicle and there is involvement of his in the crime, hence, the seizure and custody is unnecessary in this case.
3. Heard learned Advocate for Applicant and Learned A.P.P. Perused record and say of the Investigating officer.

4. In the light of this facts emerged, submissions by Applicant and material on record, following points arise for determination before this Court. The said points and findings thereon which follow reasons as:

**Point For Determination.**

Sr. No.	Point	Finding
1.	Whether the Applicant Abdul Rafik S/o Abdul Aziz, made out case as to release vehicle, as a interim custody in Application given set of facts?	... Yes.
2.	What order?	...Application allowed as per final order.

**REASONS**

***As to Applicant point no.1:***

5. On going through the record it is contended that the said vehicle allegedly have been seized in the said crime. It is submitted that the the applicant is in need of vehicle as same is seized. It is submitted that the applicant is absolute owner of the vehicle had no more concerned with the seizure of any contraband.
6. On behalf of Learned APP opposed the application and submitted that the said vehicle used by the accused in crime. Therefore, application be rejected.
7. As in case of ***Sunderbhai Ambalal Desai..vs..State of Gujrat (2002) 10 SCC 283***, in which the Hon'ble Apex Court held that, "the object and scheme of the various provisions of the code appear to be that where the property which has been the subject matter of an offence is seized by the police, it ought not to be retained in the custody of the Court or of the police for any time longer that what is absolutely necessary".

8. Considering these aspects that prima-facie said vehicle apparently in the present crime, investigation is complete, charge-sheet filed. Vehicle is kept in police station for more than six months. Keeping the vehicle unused in police station, will deteriorate its condition. From the R.C. book/particulars, it appears that the applicant is owner of the vehicle. It is pertinent to mention here that she undertakes to keep vehicle in good condition and if release the aforesaid seized vehicle in favour of the applicant, he would produce as and when required by this Court. Moreover, the applicant is ready to abide by any condition as imposed by this Court. Hence, finding to point No.1 is recorded as “**Affirmative**” and proceed to pass following order :-

**ORDER**

1. Application is allowed.
2. The vehicle Two Wheeler Suzuki Burgman Street Pearl Mirage White colour Moped bearing No.MH-49-BX-6816 be given to the applicant ***Abdul Rafik S/o Abdul Aziz*** as interim custody on executing indemnity bond of Rs.1,00,000/- with conditions.
3. Applicant shall undertake that he shall not transfer,sale or mortgage the said vehicle or change its appearance without permission of this Court.
4. The applicant shall produce vehicle, if directed by this Court or any other Superior Court in any proceedings arising out in the present crime subject to limitation thereof.
5. Bond be executed before the Investigating officer.
6. The Investigating officer is directed to inform the R.T.O. authority as not to transfer the vehicle in any other name without prior permission of this Court.

(P.M. Nagalkar)

Dated : 4<sup>th</sup> January 2025.

Judge Special Court (N.D.P.S.Court)  
Nagpur