


MHNG080007992026 	OMCA No. 46/2026 Anil Vs. State
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Order Below Exh. 01

This is an application Under Sections 503 of BNSS for claiming interim custody of vehicle seized in crime No.182/2026 registered in Kanhan Police Station.

2. Crime is registered for offence punishable under Section 65(A) of Bombay Prohibition Act. According to applicant is registered owner of vehicle bearing Registration No.MH-40-R-4486. As per the applicant, said CD Deluxe having Chassis No.MBLHA11EG99K15342 and Engine No.HA11EA99K48458 is seized by police Station, Kanhan. If that is kept in the custody of the police it may cause damage. Hence, prayed to allowed the application.

3. Since material object is under the custody of investigation officer this court call for say. According to investigation officer recovery panchanama and statements of witnesses are recorded. Finally prayed for appropriate order. Assistant public prosecutor opposed this application on the ground that applicant will use material objects in committing similar types of offences. Prayed to reject the application.

4. Read application, say. Heard learned Advocate for applicant and assistant public prosecutor for state.

5. Perusal of record shows the applicant is registered owner of the CD Deluxe mention as per documents below list Exh.3. While Regional Transport Officer passing number mentioned in the application is similar as per Registration Certificate book. Though assistant public prosecutor opposing this application on the ground that the applicant will use material objects while committing similar type of offences. It can be curtailed by imposing certain conditions. On the contrary no purpose will suffice in keeping material objects with police machinery since substantial investigation is completed.

6. Under section 503 of BNSS deals with if the property seized is not produced before the court during an inquiry or trial, the Magistrate may make such order as he thinks fit respecting the disposal of such property or the delivery of such property to the person entitled to the possession of

thereof. The document filed by the applicant along with the application. The custody of the property seized can be delivered to him by imposing certain conditions. Considering all above aspects of the matter and ratio laid down by **The Hon'ble Apex Court in Sunder Bhai Ambalal Desai Vs. State of Gujarat, (MANU/SC/1110/2002)**, dealt in detail with the scope of section 451 of CrPC, particularly with respect to the disposal of property in the custody of the police station pending trial. I pass following order:-

ORDER

1.	The application is allowed.
2.	The interim custody CD Deluxe having Registration No. MH-40-R-4486, Chassis no. MBLHA11EG99K15342 and Engine No.HA11EA99K48458, Seized in crime bearing No. 182/2026 of police station, Kanhan be delivered to the applicant on executing indemnity bond of Rs. 50,000/- (Fifty Thousand only) on following conditions:-
(I)	The applicant shall not create any third party interest over the said vehicle.
(II)	The applicant shall not change the nature of seized vehicle and he shall produce the same as and when require during interrogation and trial.
3.	The investigating officer of crime No. 182/2026 is directed to take photo copies of Registration certificate and the Photographs of the vehicle.
4.	The Investigating Officer is further directed to produce documents like photo copies of Registration Certificate, photographs of the vehicle and indemnity bond of the applicant along with charge-sheet.
5.	Application is disposed off in above terms.
6.	No order to costs. Inform to the Police Station, Kanhan accordingly.

Place : Kamptee.
Date. 23.03.2026

(Q.R. Syed)
Judicial Magistrate First Class,
(Court No.3) Kamptee.

ENDORSEMENT

Case argued on	:	23.03.2026
Order dictated on	:	23.03.2026
Transcription ready on	:	23.03.2026
Order checked and signed on	:	23.03.2026

CERTIFICATE

I affirm that the contents of this P.D.F. File are same word to word as per original Order.

Name of Steno :- **Vrushabh Wanjari**