


Corrected order.

CNR NO.MHNG090006342026

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Cri.M.A. No. 40 of 2026

	<p>CNR NO.MHNG090006342026</p> <p>Ashish Pawanlal Jaiswal Vs State of Maharashtra through State Excise Department Nagpur</p>
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**ORDER BELOW EXH.1**

This application is filed by applicant Shri. Ashish Pawanlal Jaiswal, for the return of property namely, **Shine, bearing registration no. MH-40-BS-4684, chassis no. ME4JC738GJT049830 and engine no. JC73ET2122450**, seized by Patrolling Scott No.2, Excise Office, Cotton Market, Ghat Road, Nagpur in C.R.No. 75 of 2026 under section 65 (a) (e) of the Maharashtra Prohibition Act, 1949.

2. It is contended by the applicant that the said vehicle was seized by the State Excise Department. According to him, the said vehicle is lying in the police station and therefore, he prayed for its return. He, further, agreed to abide by the terms and conditions which will be imposed by the Court.

3. The say of the learned A.PP and Investigating officer was called. The learned A.PP and Investigating officer contended that the applicant will change the nature of the property and he will commit similar offence. Hence, learned A.PP and the Investigating officer prayed to reject the application.

4. Heard learned advocate for the accused and learned A.PP. They argued as per their application and say.

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5. Perused the application and documents filed along with it. The application is supported by the affidavit of the applicant. The applicant is claiming himself as an absolute owner of the said vehicle. Accordingly, he has produced verified copy of registration certificate, verified copy of his Aadhar card, copy of FIR and copy of insurance.

6. As per the decision of the Hon'ble Supreme Court in *Sunderbhai Ambalal Desai v. State of Gujarat, [AIR 2003 Supreme Court 638]*, the vehicle can be handed over to the owner with conditions so that they are not kept lying in the premises of the Police Station with the possibility of damage.

7. From the documents, the applicant appears to be the owner of the said seized vehicle. No person except the applicant has claimed the possession of the seized vehicle.

8. No purpose will be served in keeping the seized vehicle lying in the police station. The possibility of damage to the seized property cannot be ruled out if it is kept lying in the police station. In such circumstances, it would be proper to handover the seized vehicle to the applicant, who *prima facie* appears to be its owner, on the certain terms and conditions. In the result, I pass following order:

### ORDER

1. The application is allowed.

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2. The concerned Investigating officer of State Excise Department is hereby directed to hand over the possession of the **Shine, bearing registration no. MH-40-BS-4684, chassis no. ME4JC738GJT049830 and engine no. JC73ET2122450**, seized by Patrolling Scott No.2, Excise Office, Cotton Market, Ghat Road, Nagpur in C.R.No. 75 of 2026 under section 65 (a) (e) of the Maharashtra Prohibition Act, 1949, if not required in any other case or crime, to the applicant, namely, Shri. Ashish Pawanlal Jaiswal, on execution of indemnity bond, consisting following conditions :

1. The applicant to undertake that he shall not sell, transfer, alienate or dispose of the above said vehicle, in any manner, till the conclusion of trial and without permission of the Court.
2. The applicant shall not change the nature of the above said vehicle, in any manner.
3. The applicant shall produce the above said vehicle in the Court as and when directed.
4. The applicant shall execute indemnity bond of Rs.1,80,000/- (Rupees One Lakh Eighty Thousands Only) before the concerned police station.

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5. The concerned Investigating officer is directed to prepare detail panchanama of the seized vehicle before releasing it in favour of the applicant.

6. The applicant shall furnish two colored photographs of the seized vehicle attested by applicant to the Investigating Officer, for the purpose of identification.

7. This proceedings be tagged with the case papers as and when final report is received in the said crime.

8. Intimate the concerned police station accordingly.

**Place: Saoner**

**(S.M.Gade)**

**Date : 18.03.2026.**

**Judicial Magistrate First Class,**

**(Court No.3), Saoner.**

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## CERTIFICATE

I affirm that the contents of this PDF order are same word to word, as per the original order.

Name of Stenographer :- D. R. Aglawe