

MHNG160003172026



## **Order Below Exh.01.**

(Date : 12.03.2026)

01. This is an application made under Section 503 of the Bharatiya Nagarik Suraksha Sanhita - 2023 (in short B.N.S.S.), by the applicant – Sameer Ahmad Shakil Ahmad through Power of Attorney Holder Mishkat Aalam Mohammad Mahmud, for releasing TATA 1512 LPT DCR42HSD 125B6M5 bearing registration No.MH-40-CD-3469, on supurtnama.

02. Investigating officer filed his say vide **Exh.5** submitting that, to deter the applicant from committing the same kind of offence in future it is necessary not to give interim custody of the vehicle in question to the applicant. He also submitted that, if interim custody of the seized vehicle given to applicant then, he shall use the said vehicle to commit the same kind of offence in future. I.O. also, prayed to reject the instant application.

3. Ld. APP appearing for the state filed his say. He submitted that, when Mouda Police Station introspected a vehicle in question then, they found that, cattles were being transported into the vehicle in question without making any arrangement for their food, water and medical aid. He further submitted that, applicant contravene the rule provided in Transport

of Animals Rules, 1978 and also committed an offence punishable u/s. 11(1) (d)(f)(e) of Prevention of Cruelty to Animals Act and section 5, 5(A), 9 of Preservation of Animals Act r/w sec. 281 of BNS & 184, 177 of MV Act. He further submitted that, if the vehicle released in favor of applicant there is possibility of committing the same kind of offence at the hands of applicant. Applicant shall also make changes and alteration into the vehicle. He shall not also produce the same before the Court at the time of Trial. Ld. APP finally prayed to reject the application.

4. Dhyan Foundation Kharbi Gaushala, Kharbi Naka, made an intervention application in order to resist present application. It is submission of Gaushala that, the same is a registered/social organization. Gaushala is engaged in looking after the welfare of the cows, buffaloes, bulls and its progenies. It is further submission of the Gaushala that, applicant was transporting 20 cattles into the vehicles in question. Gaushala further submitted that, applicant while transporting the 20 cattles into the seized vehicle in question, he did not make any arrangement of the food, water and medical aid for the cattles. Cattles were tied with a small ropes. Therefore, they submitted that police seized these 20 cattles and handed over the same to Gaushala for their preservation and care. Gaushala further submitted that, the vehicle in question is a object involved to commit the crime in question. So, it is necessary to preserve the protect the same till the conclusion of the trial arising from the present crime in question. If, vehicle released in favor of applicant then purpose of filing intervention application shall be frustrated. Gaushala finally submitted to reject the application.

05. Perused the application say thereon. Heard to all the parties at length.

06. As per the applicant, TATA 1512 LPT DCR42HSD 125B6M5 bearing registration No.MH-40-CD-3469, was seized by the Investigating Officer in Crime No.165/2026. Said vehicle is purchased for his personal and business use and he filed on record the relevant documents of his ownership and registration certificate alongwith insurance papers. He used said vehicle for personal and business use and therefore, he prayed for releasing it on supurtnama.

07. In order to substantiate the application, applicant has filed on record, photocopy of F.I.R., verified copy of registration certificate of seized vehicle, copy of insurance of seized vehicle and verified copy of Vehicle Special Power of Attorney and copy of Aadhar Card of applicant Mishkat, alongwith list at **Exh.03**. On perusal of these documents, it has transpired that, the applicant has owned the seized vehicle bearing registration bearing registration No.MH-40-CD-3469.

08. As per the Judgment of *Sundarbhai Desai-Versus-State of Gujarat*, the Hon'ble Apex Court observed that, Police Station is not a proper place to keep the vehicle and Magistrate is empowered to release the vehicles on suitable conditions. Keeping in mind the observation of the Hon'ble Apex

Court in *Sundarbhai Desai*, it is just and proper to release the seized vehicle on certain bond, after imposing conditions.

09. It is pertinent to note here that, when the vehicles seized by the police are no longer required for investigation and they have also not been confiscated as yet under any provision of law, they continue to belong to the respective applicant, who is its registered owner. Vehicle is costly and equipment employed by the respective owner for earning her livelihood. It is difficult to say how much time the trial will take to conclude. If during such trial, the vehicle is allowed to remain with police, they are bound to deteriorate with passage of time.

10. It is also necessary to consider here that, on bare perusal provisions of Rules 5(1)(2),9 Prevention of Cruelty to Animals (Care and Maintenance of case property Animals) Rules 2017. It is seen that, the custody of vehicle can be handed over to its owner on his depositing the transportation charges, maintenance, treatment and care of animals. As in the present case in my hand, the vehicle in question was seized as applicant transporting cattles in seized vehicle without making any arrangement for their food, water and medical aid. So, Crime bearing no. 165/2026 of Mouda Police Station was registered against him for the offence punishable u/s. 11(1)(d)(e)(f) of Prevention to Animals Cruelty Act, 1960. So, considering above factual aspect I am of the opinion that, applicant is entitled to get interim custody of the seized vehicle in question on depositing necessary charges occurred by Gaushala for transportation, treatment and care of

animals in question. So, considering the above discussion, I am of the opinion that, it will be in the interest of justice to direct applicant to pay Rs.200/- per day for per animal before getting interim custody of the seized vehicle in question. Hence, considering above discussion I proceed to pass following order:

**ORDER.**

1. The present application is allowed.
2. Investigating Officer in Crime No.165/2026 of Mouda Police Station is hereby directed to release seized TATA 1512 LPT DCR42HSD 125B6M5 bearing registration No.MH-40-CD-3469, on supurtnama of the applicant – Sameer Ahamad Shakil Ahamad through Power of Attorney Holder Mishkat Aalam Mohammad Mahmud, by executing indemnity bond of Rs.20,00,000/- (Rs. Twenty Lakhs) on following conditions :
  - i] Applicant shall pay the respective amount at the rate of Rs. 200/- per day per animal from the date of 21.02.2026 till today to the concern Gaushala.
  - ii] Applicant to produce the said vehicle as and when directed by the Court;
  - iii] Applicant will not sell or mortgage or any way transfer the said vehicle to anybody or create third party interest in the said vehicle;
  - iv] Applicant will not make the structural change and colour of the said vehicle;

- v] Investigating Officer is directed to take photographs of said vehicle at the cost of applicant and prepare panchnama accordingly. Investigating Officer is also directed to file the same along-with the charge-sheet.
3. Supurtnama to be executed at concerned police station.
4. Application is disposed off accordingly.

Date : 12.03.2026.

( **L.M.Pathan** )  
Judicial Magistrate First Class,  
Mouda.