

CNR NO.MHNS110005812026

Cri.M.A. No.32/2026



Ashok Laxman Pawar

Vs.

State of Maharashtra

ORDER BELOW EXH.1

This is an application filed U/s. 503 of Bhartiya Nagarik Suraksha Sanhita (in short "B.N.N.S") for release of HF Deluxe, Hero Motocorp Ltd. Company motor cycle bearing registration no. MH-15GK-2559 seized in crime No.30/2026, registered at Lasalgaon Police Station. Say of Ld. A.P.P and I.O. has been called. Heard both sides. Perused application and say of Ld. A.P.P and I.O.

2) It is a contention of the applicant above mentioned vehicle is owned by applicant himself. Since the day the vehicle was seized, it has been in the custody of the Police. The Police do not have any arrangements to keep the vehicle safe. If the said vehicle remains in the custody of the Police for a long time, it will be damaged due to standing. Therefore, it is necessary for the vehicle to be returned to the applicant. If the vehicle is not returned to the applicant, it will be difficult for him to carry out his work. Therefore, it is necessary from the point of view of justice that the vehicle be returned to the applicant. He will abide with the conditions, if any, imposed by the Court for releasing the vehicle.

3) I.O. and APP filed say that offence is serious in nature and there is possibility that accused may repeat the same. It is also submitted by Ld.APP that applicant will dispose of or make changes in the nature of the property. This Two-wheeler is primary evidence in the said offence. Hence prayed to pass appropriate order.

4) The applicant has filed following documents along with list vide Exh.03 and Exh.08.

- Photocopy of F.I.R.
- Verified copy of R.C. Book.
- Verified copy of Aadhar Card.

5) From perusal of verified copy of RC book, shows that applicant is registered owner of said Two-wheeler No. MH-15GK-2559 registered for the offence punishable under section 12(a) of Maharashtra Gambling Act seized in crime No.30/2026, registered at Lasalgaon Police Station. Applicant has filed an affidavit vide Exh. 05 contending that insurance of said vehicle has expired and he will reissue the insurance within 15 days from the date when he will get possession of said vehicle from Court.

6) In the case of **Sundarbhai Ambalal Desai Vs State of Gujrat, 2002(10) SCC 283**, the Hon'ble Supreme Court held that,
“Whatever may be the situation, it is of no use to keep the seized material in the police station for a long period and it is for the Magistrate to pass appropriate order immediately by taking appropriate bond and guarantee as well as security for the same.”

7) It is observed that the applicant is the registered owner. If said vehicle remained idle, there is a possibility of corrosion to its machinery and will decrease its value as well as utility. So far as the investigation and apprehension of APP is concerned, if reasonable conditions are imposed, it will suffice the purpose. Therefore, upon relying the guidelines issued by Hon'ble Supreme court in the supra case it would be proper to release the same on certain conditions on him. Hence, having regard to the above discussion I pass the following order.

ORDER

1. I.O./Incharge of Lasalgaon Police Station is hereby directed to hand over the interim custody of Two-wheeler HF Deluxe, Hero Motocorp Ltd. Company motor cycle registration no.MH-15GK-2559 seized in crime no.30/2026 to **Ashok Laxman Pawar** on furnishing indemnity bond of Rs.35,000/- (Rs. Thirty Five Thousand only) on conditions that
 - a) Applicant shall not change the body and structure of said vehicle till final decision of C.R.No.30/2026.
 - b) Applicant shall produce said vehicle as and when required by Court.
 - c) Applicant shall not transfer, sell or create any type of interest upon the property in any manner till final decision of C.R.No.30/2026.
 - d) He shall not use or allow to use property for any illegal purpose.
2. I.O./Incharge of Lasalgaon Police Station is hereby directed to take

photographs of the said property and prepare detailed panchnama while handing over muddemal property to the applicant. It is also directed to submit the said photographs, panchnama and Indemnity Bond to the Court.

3. Inform the order to I.O.

Date : 17.03.2026.

Place : Niphad.

(S. P. Deshpande)

Judicial Magistrate First Class

Niphad.