

MHNS190003402026



Cri.M.A./73/2026

Savita Kalias Ghumre

Vs.

State Excise Flying Squad 2 Satana

ORDER PASSED BELOW EXH.01

1. The present application is preferred under the provisions of Section 503 of Bhartiya Nagrik Suraksha Sanhita. This application is moved by Savita Kailas Ghumre.
2. The applicant is praying for custody of the seized motorcycle.
3. Following are some important details necessary for determination of this application:-

Applicant	Savita Kalias Ghumre
R/o	Bagul Chal, Ramwadi, Tal. Panchavati, Dist. Nashik.
Vehicle	Splendor+DRS
Registration Number	MH-15-JJ-3978
Chasis Number	MBLHAW233P5A02920
Engine Number	HA11E8P5A02694
Crime Number	47/2026
Police Station	State Excise Department, Flying Squad, Statana, Dist. Nashik.

4. It is contention of the applicant that the above vehicle is seized in Cr.No. 47/2026 by the State Excise Department, Flying Squad, Statana, Dist. Nashik. It is further contention that custody of the seized vehicle is very necessary for him. If custody of vehicle is not given to him, he will face loss and damages. He is ready to abide the conditions imposed by the Court upon him.
5. I.O and Ld. APP has filed their say.

6. Investigating Officer filed his say on Exh. 06 and resisted this application and contended that, the alleged vehicle is used in the crime and there is possibility of using in similar crimes. Investigation is in progress. The alleged vehicle is safe in the custody of Excise department.

7. Ld. APP also filed his say on Exh.07 and objected this application and contended that the alleged vehicle is necessary part of evidence and commission of similar offence is possible. There is possibility of changing in the nature of the alleged vehicle.

8. The applicant filed the documents in support of his claim i.e. copy of FIR, copy of RC book and Aadhar card.

9. Heard Ld. Advocate for the applicant and Ld. APP.

10. Further, in the case of ***Sundarbhai Ambalal Desai -vs- State of Gujarat AIR 2003 SC 638***, the Hon'ble Apex Court held that *“whatever be the situation. It is of no use to keep such seized vehicle at the police station for a long period. It is for Magistrate to pass appropriate order immediately by taking appropriate bond and guarantee as well as security for return of the said vehicle, if required at any point of time.”*

11. The motorcycle is in the custody of Police. As the seized motorcycle is in the custody of the Police from long time, the possibility of causing damage to it cannot be ruled out as the same is lying idle in the Police Station. Further, it can be seen from the documents on record that the applicant is the owner of the vehicle. There is no other claimant over the seized motorcycle till today. The applicant seems to be the owner of the seized motorcycle. No fruitful purpose would be served by detaining the seized motorcycle. Thus, from the above facts and circumstances, I am of the view that the applicant is entitled for interim custody of the motorcycle. I therefore pass following order.

ORDER

1. State Excise Department, Flying Squad, Statana, Dist. Nashik is hereby directed to hand over the custody of the seized two wheeler Splendor+DRS bearing registration No. MH-15-JJ-3978 only in favour of the applicant **Savita Kailas Ghumre** on executing supurtnama of Rs.20,000(Rupees Twenty Thousand).
2. I.O. is directed to prepare the detailed panchnama of the motorcycle and take the photographs of the motorcycle from all four sides before releasing the vehicle. The applicant to bear the cost of photographs. The photographs shall be filed to this Court along with report of police.
3. The applicant shall also forthwith submit all the relevant documents of the seized vehicle with I.O.
4. The applicant is directed not to sell, alienate, transfer or create any type of third party interest in the motorcycle till further orders of this Court.
5. The applicant shall not change the nature and colour of the motorcycle.
6. The applicant shall produce the seized motorcycle as and when required by the court or by the I.O.
7. Supurtnama (Bond) shall be executed before the Court.
8. This application stands disposed off. Case and Proceedings be disposed off accordingly.
9. The original Suprutnama and true copy of this order be kept with crime papers and be tagged with the charge sheet.

(J.R.Pathan)

Date : 02/04/2026

Judicial Magistrate First Class, Yeola,
Dist. Nashik.