

ORDER BELOW Exh.1 IN CRIMINAL M.A. NO. 38/2026
(CNR NO- MHNS-2000-0176-2026)

The present application is filed by the Applicant under Section 503 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking interim custody of the trailer bearing Registration No. MH-43-CE-5328, along with the goods inside the trailer, in connection with Crime No. 01/2026 registered at MIDC Sinnar Police Station.

2. Heard Ld. advocate for the applicant and Ld. APP for the State. Perused the record.

3. According to the applicant, he is the owner of the seized vehicle, which is used for business. The applicant also produced a verified copy of the Smart Card of the vehicle. This prima facie shows that the applicant is the owner of the seized vehicle. It is further submitted that the applicant authorized to transfer the goods from Bhagwati Steel Cast Pvt. Ltd. to Vikram Steel, Mumbai, and has produced a verified copy of the tax invoice and transport documents to show authorization for carrying the said goods. Bhagwati Steel Cast Pvt. Ltd. to Vikram Steel, Mumbai, failed to file their say. Hence, the present application be proceed without their say. The applicant, in his application, contended that if interim custody of the trailer and the goods inside it is granted to him, he will neither sell nor alienate them and will produce them before the court as and when required.

4. The Ld. APP opposed the application on the ground that the investigation is not yet complete, the accused persons are absconding, and the muddemal may be required during trial. The IO by filing say at Exh. 5 submitted to pass an appropriate order. Accused nos. 1 and 8 by filing say at Exh. 09 submitted to pass an appropriate order for granting custody of the seized muddemal.

5. During the course of the hearing, the applicant made inconsistent oral submissions regarding the muddemal recovered outside the trailer. Initially, the applicant submitted that the said muddemal does not belong to him. Thereafter, the applicant stated that the same belongs to him, and subsequently again restricted his claim by submitting that he is seeking custody only of the trailer and the goods loaded inside the trailer. The aforesaid inconsistent stand of the applicant creates doubt regarding ownership and entitlement over the muddemal recovered outside the trailer. At this stage, when the investigation is still in progress, such ambiguity cannot be overlooked.

6. However, insofar as the trailer and the goods found inside the trailer are concerned, the applicant has placed on record documents indicating lawful transportation, and there is no serious dispute raised regarding the same. The trailer and goods inside it, if kept idle at the police station for a prolonged period, would result in deterioration and financial loss.

7. In view of the above, this Court is of the opinion that the Applicant is entitled to interim custody of the trailer and the goods found inside the trailer, subject to stringent conditions. However, the muddemal recovered outside the trailer cannot be released at this stage.

O R D E R

1. Application is allowed.
2. Interim custody of the trailer bearing registration No. MH-43-CE-5328, along with the goods found inside the trailer be given to the applicant on his executing an indemnity bond of Rs. 70,00,000/- (Rs. Seventy Lakh Only) and two sureties on the following conditions:
 - a) The seized trailer, along with the goods found inside the trailer, should be kept as it is, and its nature should not be changed in any

way.

- b) That the same should not be sold or alienated in any other way till the decision of the trial in Crime No. 01/2026 registered with MIDC Sinnar Police Station.
 - c) That the same shall be produced as and when directed till the trial in Crime No. 01/2016 registered with MIDC Sinnar Police Station.
 - d) The applicant shall provide the necessary documents in respect of the said seized trailer to the Investigation Officer.
 - e) Investigation Officer to take a photograph of the seized trailer along with the goods at the expense of the applicant and get it attested by taking the signature of the applicant thereon.
 - f) I.O. to prepare a detailed panchnama of the present condition of the seized trailer and goods inside the trailer.
3. The applicant is directed to regularly renew the insurance policy of said trailer during its custody with him.
 4. Before handing over custody of the goods inside the trailer, the description, quantity, and identifying particulars shall be properly recorded
 4. The applicant shall execute the indemnity bond on the stamp of Rs. 200/- and handover it to the Investigation Officer of Crime No. 01/2026 registered with MIDC Sinnar Police Station.
 5. The I.O. / P.S.O. of the concerned police station is directed to produce an indemnity bond, photograph, panchnama and a copy of this order along with the charge sheet, if filed.
 6. Issue a letter accordingly.

Date:- 01/04/2026

(R. R. Jadhav)
Judicial Magistrate, F.C.,
Court No. 2, Sinnar.