

MHPU080002042026



Cri. M. A. No. 28/2026

Dnyandev Vs. State Excise
Department

ORDER PASSED BELOW EXH. 1
(Dated 08/07/2026)

1. Perused the application, say of Investigation Officer.
2. The applicant moved instant application to seek interim custody on Supratnama of vehicle motor cycle of Honda Activa bearing Reg. No. MH14-JW-2606, seized by Excise Department, Pune in Crime No. 04/2026 under the offence punishable U/sec. 65(A)(E) of Maharashtra Prohibition Act.
3. The Ld. A.P.P. opposed the application by filing say on the grounds that the vehicle was seized by the police during investigation of an offence under Section 65 (A)(E) of Maharashtra Prohibition Act. Said vehicle was used for commission of offence. If the seized vehicle is released then it may be again used for committing such type of offence or any other unauthorized used. Moreover, the applicant may sold out it or try to change its description and nature.
4. The investigating officer opposed the application by filing his say and contended that the accused has used the seized vehicle for illegal transportation of liquor. Therefore, if the vehicle is released he will commit similar kind of offence. The vehicle is kept in secure condition at the premises of police station. As per Section 98 (2) of Maharashtra Prohibition Act, the vehicle should be kept in custody of Government. Moreover, as per the decision of **Hon'ble**

High Court of Bombay, Bench at Nagpur in Cri. Revn. Application No. 156/1993, the seized vehicle used for transportation of alcohol should not be released. Moreover, the Hon'ble Bombay High Court has directed to impose certain conditions i.e. (A) to produce ownership document pertaining to seized vehicle and other documents for the satisfaction of the court and (2) not less than 50% of the amount of the seized vehicle should be deposited as a guaranty in the bank. Therefore, raising all these grounds the investigating officer prayed for rejection of this application.

5. Heard the learned counsel for the applicant and Ld. A.P.P. for the State. Perused the record after given anxious consideration to the submission advanced and the say of investigating officer, it reveals that ownership of the vehicle is disputed. The applicant filed on the record along with list of document verified copy of registration certificate which proves the ownership of the applicant. Further more, the applicant contended that he use the vehicle TVS Jupiter for his daily work. The vehicle is lying in open area of Excise Police Station. Therefore, there is possibility of damaging of vehicle and it may loss its utility.

6. The Ld. Counsel for the applicant relied upon the decision of **Hon'ble High Court at Judicature at Bombay Bench at Aurangabad in Cri. Writ Petition No. 7 of 2026, decided on 3rd February, 2026**. I have gone through this decision of Hon'ble Bombay High Court, in the instant matter the Hon'ble High Court observed that, 'the petitioner is not even an accused in the said crime and that the petitioner is not involved in any other offence under the Maharashtra Prohibition Act and directed handing over the vehicle to

the petitioner on certain conditions'. In the instant matter also the applicant is not the accused in the present crime. Therefore, this decision of Hon'ble High Court is very well applicable to present case.

7. Perusal of the record show that the applicant is not even an accused in the aforesaid crime. The aforesaid crime is registered against one Aniket Shinde. So far as the objection of investigating officer under section 98 (2) of the Maharashtra Prohibition Act is concerned the confiscation proceeding is not yet started and the applicant is seeking only interim custody of the vehicle. So there is no harm to handover the interim custody of the vehicle to the applicant. If this application is rejected then there will be possibilities to apply the junk on the seized vehicle. The applicant is ready to abide any conditions imposed by this court.

8. Therefore, considering the circumstances of the case I am of the opinion that no fruitful purpose would be served by keeping the vehicle at Excise Police Station. Therefore, I am inclined to allow the prayer of the applicant by imposing certain conditions. Hence, I passed the following order.

ORDER

- 1) The application is allowed.
- 2) Excise Officer of Pune is hereby directed to handover the custody of vehicle motor cycle of Honda Activa bearing Reg. No. MH14-JW-2606 seized by Excise Department, Pune, in Crime No. 04/2026, U/sec. 65 (A)(E) of Maharashtra Prohibition Act to the applicant Dnyandev Subhash Pawar on his executing an indemnity bond of Rs. 75,000/- (Rs. Seventy Five Thousand). Moreover, he

would pay the value of the vehicle if the court is finally of the opinion that the vehicle needs to be confiscated upon conclusion of trial.

3) The applicant shall not sell or transfer motor cycle of Honda Activa bearing Reg. No. MH14-JW-2606, without the permission of the court.

4) The applicant Dnyandev Subhash Pawar is further directed that he shall not change the shape, colour and nature of the said vehicle.

5) The applicant shall produced the motor cycle of Honda Activa bearing Reg. No. MH14-JW-2606, as and when required during the course of investigation or trial, as the case may be.

6) The Investigating Officer is directed to take four photographs of said seized vehicle from all sides and prepare its panchanama and thereafter submit it in this Court with Chargesheet.

7) The copy of said order be kept with Crime no. 04/2026.

8) Issue letter accordingly.

Date:- 08/07/2026

(Maimuna Sultana M.)
Judicial Magistrate First Class,
Khadki, Pune.