



ORDER BELOW EXHIBITE - 01
(Omashe Shiva Rathod Vs. Inspector- State Excise
Department, Flying Squad No.2, Pune)

1. By filing present application the applicant- Omashe Shiva Rathod is seeking interim custody of Hero Motocorp Splendor motor cycle bearing registration No.MH-12-QV-0086 having its *chassis* No.MBLHAR089J5E03394 and Engine No.HA10AGJ5E07498 (hereinafter referred to as 'the seized vehicle'), which is seized in Crime No.289/2025 under Sections 65(a) & (e) of the Maharashtra Prohibition Act, 1949 by the State Excise Department, Flying Squad No.2, Pune.
2. It is contention of the applicant that he is the registered owner and possessor of the seized vehicle. As the applicant being the registered owner and possessor of the seized vehicle, he is in need of the seized vehicle for his daily use. The seized vehicle is lying in idle condition with the State Excise Department, Flying Squad No.2, Pune from the date of its seizure. At last, he prayed for giving interim custody of the seized vehicle on certain conditions.
3. On the other hand, by filing say I.O. and learned special APP have taken objection to the application on the grounds that the alleged offence is serious and the seized vehicle has been used in the commission of alleged offence. They have further taken objection that if the seized vehicle is returned to the applicant, she will dispose off the same and she will commit similar offence. Hence, I.O. and learned special APP prayed to reject present application.
4. Heard Mr.I.M.Shaikh, learned advocate for the applicant

and Smt.C.S.Bhosale, learned special APP for the State.

5. Perused the e-Filing application and documents placed on record more particularly xerox copies of Certificate of Registration, Aadhar Card of applicant and FIR. On perusal of above documents, it appeared that the applicant is the registered owner of the seized vehicle. Therefore, I find substance in the submission of the applicant that being registered owner he is entitled for interim custody of the seized vehicle and if the seized vehicle is kept as it is with the State Excise Department, Flying Squad No.2, Pune in idle condition, there is possibility of damaging the same by dust, atmosphere etc. In such circumstances, there is no impediment to hand over interim custody in favour of the applicant. However, the applicant has not furnished any valid copy of insurance policy of the seized vehicle. In such circumstances, considering the apprehension in the mind of I.O. and learned APP certain conditions need to be put while returning the custody of the seized vehicle to the applicant. Thus, in the result, I proceed to pass the following order :

-: ORDER :-

1. Application is allowed.
2. The I.O./P.S.O., State Excise Department, Flying Squad No.2, Pune is hereby directed to hand over interim custody of Hero Motocorp Splendor motor cycle bearing registration No.MH-12-QV-0086 having its *chassis* No.MBLHAR089J5E03394 and Engine No.HA10AGJ5E07498 to the applicant – Omashe Shiva Rathod, on his executing indemnity bond of Rs.1,00,000/- (In words Rs. One Lakh Only) after receiving insurance papers, on following conditions:-

- a. The applicant is directed to take insurance of the seized vehicle.
 - b. The applicant shall not change the colour and nature of the seized vehicle as well as he shall not sale, gift, mortgage or transfer the seized vehicle in any manner.
 - c. The applicant is directed to produce the seized vehicle as and whenever required to I.O. for the purpose of investigation or by the Court for the purpose of inquiry and trial.
 - d. The applicant shall not use or permit to use the seized vehicle in any offence or for any illegal purpose or in any manner likely to reduce it's value.
3. Before releasing the seized vehicle, I.O. shall prepare detail panchanama and take four colour photographs from different angle, insurance papers and other particulars of the seized vehicle at the expenses of the applicant and hand over the custody of the seized vehicle to the applicant.
4. I.O. shall attached the photographs and other particulars of the seized vehicle along with charge-sheet and if charge-sheet has already been submitted then I.O. shall produce the photographs and particulars of the seized vehicle to be attached to the charge-sheet.
5. The applicant shall execute the Indemnity Bond before Investigating Officer.
6. Issue letter to State Excise Department, Flying Squad No.2, Pune and Hamdust is allowed accordingly.

Date : 05/03/2026.

(G.S.Badgujar)
I/c. JMFC (Court No.2), Daund.

CERTIFICATE

I affirm that the contents of this P.D.F file Judgment/Order are same word to word, as per the original Judgment/Order.

Name of Stenographer	Shri. S. B. Khule (L.G.)
Name of Court	3 rd Jt. CJJD & JMFC, Daund.
Date of Dictation	05/03/2026.
Judgment/Order signed by the PO on	05/03/2026.
Judgment /Order uploaded on	05/03/2026.