

**ORDER BELOW EXHIBIT - 01**

(Sahdev Chetan Gudadawat Vs. Police Inspector of the
State Excise Department Flying Squad- 2, Pune)

1. By filing present application the applicant is seeking interim custody of Bajaj Chetak / C 3503 Electric motor cycle bearing registration No.MH-42-BX-5083 having its *chassis* No.MD2C59207TAB75776 & Engine No.E20ATB85500 (hereinafter referred to as 'the seized vehicle') which is seized in Crime No.217/2026 by the State Excise Department Flying Squad- 2, Pune.
2. By filing say I.O. and learned special APP have taken objection to the application.
3. Heard Mr.I.M.Shaikh, learned advocate for the applicant and Smt.C.S.Bhosale, learned special APP for the State.
4. Perused the e-filed application and say thereon as well as scanned copies of documents filed on record.
5. Mr.I.M.Shaikh, learned advocate for the applicant submitted that the applicant is registered owner of the seized vehicle. As the applicant is the registered owner and possessor of the seized vehicle, he is in need the seized vehicle for his daily use for his livelihood. The seized vehicle is lying in idle condition with the State Excise Department Flying Squad- 2, Pune from the date of its seizure. At last, he prayed for giving interim custody of the seized vehicle on certain conditions.
6. On the contrary, I.O. and learned special APP Smt.C.S.Bhosale have taken objection 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 he will dispose off the same and he will commit or reuse it in similar offence. Hence, they prayed to reject present application.

7. Perused the application and scanned copies of documents placed on record more particularly Aadhar Card of applicant, vehicle particulars, insurance policy of the seize vehicle and FIR. On perusal of above documents, it appeared that the applicant is the registered owner of the seized vehicle and it was insured on the date of the alleged offence. It is not disputed fact that the applicant is not accused in the alleged offence. 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- 2, Pune in idle condition, there is possibility of damaging the same by dust, atmosphere etc. In such circumstances, considering the scope of Section 503 of BNSS, 2023 as well as ratio in the landmark authority of ***Sunderbhai Ambalal Desai Vs. State of Gujarat*** (2002) 10 SCC 283, there is no impediment to hand over interim custody of the seized vehicle in favour of the applicant. However, considering the apprehension in the mind of I.O. and learned special APP certain conditions need to be put while returning the custody of the seized vehicle to the applicant. In the result, I proceed to pass the following order :

:- ORDER :-

1. Application is allowed.

2. The I.O./Inspector, the State Excise Department Flying Squad- 2, Pune is hereby directed to hand over interim custody of Bajaj Chetak / C 3503 Electric motor cycle bearing registration No.MH-42-BX-5083 having its *chassis* No.MD2C59207TAB75776 & Engine No.E20ATB85500 to the applicant on her executing indemnity bond of Rs.1,00,000/- (In words Rs. One Lakh Only) on following conditions:-

- a. 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.
- b. 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.
- c. 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 to take four colour photographs from different angle 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-heet and if charge-heet has already been submitted then I.O. shall produce the photographs and particulars of the seized vehicle to be attached to the charge-heet.

5. The applicant shall execute the Indemnity Bond before Investigating Officer.

6. Issue letter to the State Excise Department Flying Squad- 2, Pune and Hamdust is allowed, accordingly.

Date : 13/07/2026.

(G.S.Badgujar)
Judicial Magistrate First Class,
(Court No.3), 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	13/07/2026.
Judgment/Order signed by the PO on	13/07/2026.
Judgment /Order uploaded on	13/07/2026.