

CNR No. MHPU- 2300-1096-2026	Rani Simon Rathod Vs. State
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ORDER BELOW APPLICATION OF EXH.1

1. This is an application filed by Rani Simon Rathod under Section 503 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking interim custody of the two wheeler vehicle **Suzuki Motorcycle India Pvt. Ltd.** Company, **ACCESS 125 SE** model bearing registration No. **MH-14 NA-4517**, Chassis No. **MB8EN11AMS8794699**, Engine No. **AF291064413** (hereinafter referred as seized vehicle). The said vehicle is in custody of Maharashtra Excise Department, Khed in Cr. No. 57/2026. Seized in under section 65 (a) (e) of Maharashtra Prohibition Act, 1949.

2. Applicant has stated that, he is the registered owner of the above said vehicle. The said vehicle requires for daily use purpose. He is ready to abide the conditions imposed while granting the application.

3. I.O. and Ld. APP have strongly objected on the application.

4. The said vehicle is lying at Excise Department idle. Applicant in support of his contentions filed verified copies of registration certificate, UID card, copy of FIR and Insurance copy. The Registration Certificate and copy of Insurance shows that applicant is the proprietor of associated automobiles which is the registered owner of the said vehicle.

5. Though, Ld. APP took objection to handover said vehicle to applicant, it is not just to keep said vehicle at police station, as the applicant is ready to abide with terms and conditions. Also, the say of I.O. is silent in respect of initiation of confiscation proceeding. Therefore, it would not be proper to detain the seized vehicle on the ground stated by Ld. APP. The important point is that, in view of ruling of Hon'ble Supreme

Court reported in *AIR 2003 SC 638 in Sundarbhai Ambala Desai V/s. State of Gujarat*, the release of seized vehicle is desirable and proper. For these reasons, applicant is entitled for the interim custody of seized vehicle subject to terms and conditions. Hence, I pass following order.

ORDER

1. Application is allowed.
2. I.O. is directed to release the **Suzuki Motorcycle India Pvt. Ltd.** Company, **ACCESS 125 SE** model bearing registration No. **MH-14 NA-4517**, Chassis No. **MB8EN11AMS8794699**, Engine No. **AF291064413**, for interim custody in favour of applicant namely **Rani Simon Rathod**, if not required in any other crime, on furnishing Indemnity bond (on the non-Judicial stamp of Rs. 500/- as per Article 35 of Maharashtra Stamp Act) for Rs. 1,05,000/- (Rupees One Lakh Five Thousand only) on the following conditions.
 - a) Applicant shall not sale, alter, change in the seized vehicle and also produce the it before the Court as and when required for trial.
 - b) Applicant shall not use the said vehicle in any other crime.
 - c) Applicant shall pay amount of insurance within two months, if due.
3. The concern I.O. is hereby directed to prepare panchnama of the said vehicle before releasing it in favour of the applicant and take its photographs at the expense of applicant and countersigned by the applicant.
4. Order be sent to concern police station.

5. Accordingly, issue letter to the In-charge Police Officer.
6. Investigation Officer is directed to file the Supurtnama alongwith C.R. in Court.

Date:-30/03/2026

(S. V. Utkar)
Judicial Magistrate First Class
Court No. 3, Khed- Rajgurunagar

<u>CERTIFICATE</u>		
I affirm that the contents of this P.D.F. file Order is same word for the word as per original Order.		
Name of Steno	:-	Shri. B. M. Bhople, Steno (Grade-3)
Court Name	:-	S. V. Utkar, 3 rd Jt. CJJD & JMFC, Khed-Rajgurunagar, Pune
Date of Order	:-	30/03/2026
Signed by P. O. on	:-	30/03/2026
PDF uploaded on	:-	30/03/2026