

CNR No. MHPU23-001100-2026	Mo Salim Ibarat authorized holder Asif Abdulkalam Chaudhary Vs State
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ORDER BELOW EXH.1

1. This is an application filed by **Mo Salim Ibarat authorized holder Asif Abdulkalam Chaudhary** under Section 503 of Bharatiya Nagarik Suraksha Sanhita seeking interim custody of the vehicle **Ashok leyland Ltd.** company, **DOST 14 TNDD** bearing registration No. **MH-14-KQ-0757**, Chassis No. **MB1AB42E6PRND7481**, Engine No. **BNH067355P** (hereinafter referred as seized vehicle). The said vehicle is in custody of North Mahalunge MIDC Police Station in Cr. No.119/2026. Seized in under section 305, 3(5) of the Bharatiya Nyaya Sanhita.
2. Applicant has stated that, he is the registered owner of the above said vehicle. He stay out of town due to work and are continuously away, so it is not possible to bring them to Court. 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 police station idle. Applicant in support of his contentions filed verified copies of registration certificate, notarized Authorization letter, ID card, copy of FIR and Insurance copy. Registration Certificate and Insurance copy 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 **Ashok leyland Ltd.** company, **DOST 14 TNDD** bearing registration No. **MH-14-KQ-0757**, Chassis No. **MB1AB42E6PRND7481**, Engine No. **BNH067355P**, for interim custody in favour of applicant **Mo Salim Ibarat** authorized holder **Asif Abdulkalam Chaudhary**, 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.10,00,000/- (Rupees ten Lakhs only) on the following conditions.
 - a) Applicant shall not sale, alter, change in the seized vehicle and also produce 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 panchanama 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:- 02/04/2026
Khed- Rajgurunagar

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