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| CNR NO. MHPU- 2300-2633-2026 | Sigma Gas Services Ltd. through Shri.<br>Vivek Lalman Gupta<br>Vs. State |
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**ORDER BELOW EXH.1**

This is an application filed Under Section 503 of the B.N.S.S. for seeking interim custody of **23 Gas Cylinders of Bharat Gas Company** in the present application (hereinafter referred as 'seized muddemal'). The said muddemal is in custody of **Chakan North Police Station** in **Cr. No. 490/2026**. Seized in under sections 318(4), 287 of B.N.S. r/.w Section 3 and 7 of Essential Commodities Act and Section 3, 4, 5, 6, and 7 of Regulation and Supply and Distribution order 2000.

2. Applicant has stated that, he himself is the original owner of the cylinders i.e. seized muddemal. However, he has filed the present application and also the First Information Report in the alleged offence. The seized muddemal requires for their day to day commercial use. He is ready to abide the conditions imposed while granting the application. As per the say of Ld. App and say of I.O. the said cylinders are in the possession of Sigma Gas Company. But, here it is important to note that the investigation officer has not fulfill the provision under the Essential Commodities Act. Also, he has not reported to the Tahsildar of Khed. Applicant in support of his contentions filed verified copies of UID Card and verified copy of Memorandum of Understanding between LPG distributor and Bharat Gas delivery assistant vide list as mentioned in the application which shows applicant is the owner of alleged muddemal.

3. Ld. APP has filed her say and opposed strongly on the application.

4. Said muddemal is lying at Sigma Gas Company. Applicant in support of his contentions filed affidavit and **Memorandum of Understanding between LPG distributor and Bharat Gas delivery assistant**. Therefore, it is not just to keep said muddemal at police station, as the applicant is ready to abide with terms and conditions. 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 muddemal is desirable and proper. Considering the contentions of applicant and say of Ld. APP it appears that, there is no reason just to reject interim custody of seized muddemal in favour of the applicant. For these reasons, applicant is entitled for the interim possession of seized muddemal subject to terms and conditions. Hence, I pass following order.

### **ORDER**

- 1) Application is hereby allowed.
- 2) Gas i.e. **23 Gas Cylinders of Bharat Gas Company** be returned to the applicant viz. **Sigma Gas Services through its Authorized person namely Shri. Vivek Lalman Gupta** on execution of indemnity bond of Rs.1,00,000/-(Rs. One Lakh only.)
- 3) I.O has directed to prepare panchnama of said Gas prior to release and take it's photographs prior to release the same and counter signed by the applicant's cost and submit it on

record.

- 4) The applicant shall not alienate, sell or otherwise create third party interest in the release quantity till conclusion of trial and shall maintain proper accounts for inspection.

**Date:-07/07/2026**

**(Smt. J. C. Gupta)  
Judicial Magistrate First Class  
Khed- Rajgurunagar.**