

MHRG140010322024



S.C.C./598/2024

**State of Maharashtra Through Uran Police Station Vs. Mahadu  
Rama Bhalla**

**ORDER BELOW EXH-24**

1. This is an application filed by Applicant/Accused No. 3 **Mr. Kisan Mahadu Bhala** for the grant of interim custody of the seized vehicle Yamaha FZ bearing registration No- MH-46 AV 1916, Chasis No- ME121C0M5G2017176, Engine No- 21CM017242, which was seized in Crime No-10/2023-24 of Uran RO (Forest Department). The alleged offence is registered under Section 26(1) D, E, F and 66(A) of the Indian Forest Act.

2. The applicant contends that he is the rightful owner of the seized vehicle. He submitted that he purchased the vehicle from Shree Sai Motors on 17.02.2020 for a consideration of Rs. 36000/- and paid Rs. 1000/- as commission. Due to unavoidable circumstances, he could not register the transfer with the RTO. He further submits that the vehicle is used to earn his livelihood and he is ready to submit the RC book upon getting it transferred.

3. The say of the registered owner, Makrand, was called. The original registered owner appeared and filed an affidavit at Exh-43 confirming the sale and stating that he has no objection to granting the interim custody of the vehicle to the applicant.

4. The Investigating Officer opposed the application, contending that the accused used the vehicle in the commission of a forest offence and thus it should not be released.

5. Heard both sides and perused the record. The invoice clearly shows that the applicant purchased the seized vehicle on 17.02.2020, which is significantly prior to the date of the alleged offence on 31.12.2023. Although the vehicle is not yet registered in the applicant's name, the registered owner has explicitly given his no-objection for releasing the vehicle to the applicant. As per the landmark judgment of the Hon'ble Supreme Court in ***Sunderbhai Ambalal Desai vs. State of Gujarat***, it is well settled that seized vehicles should not be kept idle at police stations or forest offices for a long period, as they are prone to rust and deteriorate in value. Keeping the vehicle parked will serve no fruitful purpose. The apprehension of the Investigating Officer regarding the vehicle's involvement in the forest offence

can be adequately addressed by imposing stringent conditions upon the applicant to secure the vehicle for future confiscation proceedings or trial.

6. In view of the above, the application deserves to be allowed. Hence following order;

**ORDER**

1. This application is hereby allowed.
2. The interim custody of the seized vehicle Yamaha FZ bearing registration No- MH-46 AV 1916, Chasis No- ME121C0M5G2017176, Engine No- 21CM017242 be handed over to the applicant **Mr. Kisan Mahadu Bhala** on his executing an indemnity bond of Rs. 40000/- (Rupees Forty Thousand only) with one local surety of the like amount.
3. The applicant shall not change the color, chassis number, or engine number of the said vehicle.
4. The applicant shall not sell, alienate, or create any third-party interest in the said vehicle till the disposal of the case or pending any confiscation proceedings.
5. The applicant shall produce the vehicle before this Court or the Investigating Officer as and when directed.

6. The applicant shall take immediate steps to register the vehicle transfer in his name and produce the updated RC book before this Court within a reasonable time.

Date : 27.03.2026

S. P. Wankhade  
Judicial Magistrate First Class,  
Court No-1, Uran.