

MHRG170010822024



ORDER BELOW EXH. 63 IN
SPECIAL CASE NO. 74/2024

(Dated : 18/08/2025)

The applicant Sohel Munnavar Ali Lambe has filed present application seeking interim custody of the seized car.

2] It is the case of applicant that Panvel City Police Station has seized his owned Maruti Ertica car bearing registration No. MH-05/DS-0659 having its Chassis No. MA3ELMG1S00515298 & Engine No. K14BN7195922 in connection with C.R. No. 660/2023 for the offences punishable under Sections 8(c), 22(c), 27(a) & 29 of the Narcotics Drugs and Psychotropic Substances Act, 1985.

3] It is the case of applicant that the said Maruti Ertiga car is having no concern with the crime in question. The police have kept said car in the Police Station in open condition for long period. It will prone to natural decay on account of weather conditions. He is ready to abide by the terms and conditions which may be imposed upon him by the Court. Hence, it is prayed by him that the interim custody of above numbered car be given to him.

4] The opponent-State has filed its say at Exh. 77. It is

stated by opponent-State that the above numbered car was involved in the serious offence. If the interim custody of the said car is handed over to the applicant, the possibility of its being used again in the similar kind of crime cannot be ruled out. It is also stated that the above numbered car being the material evidence, will be required at the time of trial. Hence, it is prayed that the application be rejected.

5] Heard learned advocate Shri. Suhas Karulkar for the applicant and learned Additional Public Prosecutor Shri. Y. S. Bhopi for the opponent-State. Perused the application, say and documents available on record.

6] Shri. Karulkar, the learned advocate for applicant argued on the lines of his application whereas Shri. Bhopi, the learned Additional Public Prosecutor made his submissions on the lines of his say.

7] The applicant has filed his affidavit in support of the application wherein it is stated by him that he is the owner of the car bearing registration No. MH-05/DS-0659 having its Chassis No.MA3ELMG1S00515298 & Engine No. K14BN7195922. He also produced on record registration certificate of the car in question which shows that the car in question stands in the name of present applicant. It is observed by the Hon'ble Apex Court in the case of **Sunderbai Ambalal Desai V/s State of Gujarat, AIR 2003, Supreme Court, 638** that “when the vehicle is seized in connection with any offence, the

vehicle be released expeditiously". Thus, considering the aforesaid factual aspects and ratio laid down in *Sunderbai's* case there is no reason to deny the interim custody of the car to the applicant. Besides, it is pertinent to note that if the car in question is kept in Police Station in open condition without any care and allowed to be subjected to rain and sun, its condition will deteriorate and there is every possibility of damage to its spare-parts. For this reason also, it is necessary to grant interim custody of the car bearing registration No. MH-05/DS-0659 having its Chassis No. MA3ELMG1S00515298 & Engine No. K14BN7195922 to the applicant. Hence, I pass the following order.

ORDER

1. The application is allowed.
2. The interim custody of Maruti Ertiga car bearing registration No. No. MH-05/DS-0659 having its Chassis No. MA3ELMG1S00515298 & Engine No. K14BN7195922 seized in C.R. No. 660/2023 registered with Panvel City Police Station, shall be given to the applicant Sohail Munnavar Ali Lambe on following conditions,
 - (a) The applicant shall furnish *supurdnama* in the sum of ₹ 15,00,000/- (Rupees Fifteen Lac only) before Investigating officer of Panvel City Police Station with condition that he shall produce the car in question before this Court at the time of trial and also as and when required & directed by this Court.
 - (b) The applicant shall not sell, mortgage, transfer or dispose of the car in question in any manner and

shall not make any change in its body, colour, chassis number and engine number.

(c) Before giving interim custody of the car in question to applicant, colour photographs of cabinet size from different clearly angles indicating registration number and other particulars of the tractor in question shall be kept on file and expenses of photographs shall be borne by applicant.

It is made clear that in case of any allegations regarding involvement of said car in question in any criminal activities or in transportation of any objectionable articles, the order as to interim release of the car in question shall stands vacated automatically.

Panvel
Date : 18.08.2025

(S. R. Ugale)
Additional Sessions Judge,
Panvel

