

MHRG170010822024



**IN THE COURT OF ADDITIONAL SESSIONS JUDGE PANVEL**  
**ORDER BELOW EXHIBIT NO.80 IN SPECIAL CASE NO. 74/2024**  
(Dated : 06/12/2025)

The applicant Saifulla Farukh Shaikh @ Saif Batata 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 Mahindra Thar jeep bearing registration No.MH-04/LM-8160 having its Chassis No.MA1UJ4YLTP 2B24613 & Engine No. YLP4B86509 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 Mahindra Thar jeep 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 jeep be given to him.

4] The opponent-State has filed its say on application. It is stated by opponent-State that the above numbered jeep was involved in the serious offence. If the interim custody of the said jeep 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 jeep 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 Smt.Priyanka Patil 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] Smt,Priyanka Patil, the learned advocate for applicant argued on the lines of her application whereas Shri. Bhopi, the learned Additional Public Prosecutor made his submissions on the lines of his say.

7] Applicant has filed insurance copy of Thar jeep. On perusal of said insurance copy, it shows name of one Rizwan Khan. Rizwan Khan is not an accused. He has filed an affidavit on record stating that applicant has purchased said car from him. He has further given no objection to hand over the custody of said jeep to applicant Saifulla Shaikh.

8] Applicant has also filed an affidavit in support of his application wherein it is stated by him that he is the owner of

Mahindra Thar jeep bearing registration No.MH-04/LM-8160 having its Chassis No.MA1UJ4YLTP 2B24613 & Engine No. YLP4BB6509.

9] 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 Mahindra Thar jeep bearing registration No.MH-04/LM-8160, Chassis No. MA1UJ4YLTP2B24613 & Engine No. YLP4BB6509 to the applicant. Hence, I pass the following order.

**ORDER**

1. The application is allowed.
2. The interim custody Mahindra Thar jeep bearing registration No.MH-04/LM-8160 having its Chassis No.MA1UJ4YLTP 2B24613 & Engine No.YLP4BB 6509 seized in C.R.No.660/2023 registered with Panvel City Police Station, shall be given to the applicant Saifulla Farukh Shaikh @ Saif Batata 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 jeep 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 : 06/12/2025

( S. R. Ugale )  
Additional Sessions Judge  
Panvel