

MHRG170022142025



**IN THE COURT OF ADDITIONAL SESSIONS JUDGE, PANVEL-
RAIGAD AT : ALIBAG
ORDER BELOW EXHIBIT NO. 15 IN SPECIAL CASE NO. 262/2025
(Date : 25/03/2026)**

The applicant Smt. Vandana Vishwnath Gaikwad has filed present application seeking interim custody of the TVS Scooty.

2] It is the case of applicant that she is registered owner of TVS Scooty bearing registration No.MH46/CK-9334 having its Chassis No.MD626AK30N2L11064 and Engine No.AK3LN2X 06358. The police of Khalapur police Station have seized said scooty in connection with C.R.No.340/2025 registered with Khalapur police station for the offences punishable under Sections 8(c), 20(b) (ii) and 29) of the Narcotics Drugs and Psychotropic Substances Act, 1985.

3] It is the case of applicant that above mentioned scooty has been seized by Khalapur Police station. Said scooty is having no concern with the crime in question. Applicant requires said vehicle for her daily use. The police have kept said scooty in the Police Station in open condition for long period. It will prone to natural decay on account of weather conditions. She is ready to

abide by the terms and conditions which may be imposed upon her by the Court. Hence, it is prayed by her that the interim custody of above numbered scooty be given to her.

4] The opponent-State has filed its say at Exh.19 and given no objection to hand over custody of seized scooty.

5] Heard learned advocate Smt.Sonali Gaikwad for the applicant and learned Spl PP Shri Y.S.Bhopi for the opponent State. Perused the application, say and documents available on record.

6] Smt. Gaikwad the learned advocate for applicant made her submissions on the line of averments made in her application whereas Shri. Bhopi, the learned Additional Public Prosecutor made his respective submissions on the line of averments made in his say.

7] The applicant has filed her affidavit in support of the application wherein it is stated by her that she is the owner of the scooty in question. She also produced on record registration certificate of the scooty in question, insurance policy copy which shows that the scooty in question stands in the name of present applicant. Applicant has also filed her Aadhar card.

8] 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 scooty to the applicant. Besides, it is pertinent to note that if the scooty 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 be deteriorated and there is every possibility of damage to its spare-parts. For this reason also, it is necessary to grant interim custody of the scooty to the applicant. Hence, I pass the following order.

ORDER

1. The application is allowed.

2. The interim custody of TVS Scooty bearing registration No.MH46/CK-9334 having its No.MD626AK30N2L11064 and Engine No.AK3LN2X06358 seized in C.R. No.340/2025 registered with Khalapur Police Station, shall be given to the applicant Smt. Vandana Vishwnath Gaikwad on following conditions ;

The applicant shall furnish *supurdnama* in the sum of Rs.50,000/- (Rupees Fifty Thousand only) before Investigating officer of Khalapur Police Station with condition that she shall produce the scooty in question before this Court at the time of trial and also as and when required & directed by this Court.

The applicant shall not sell, mortgage, transfer or dispose of the scooty in question in any manner and shall not make any change in its body, colour, chassis number and engine number.

Before giving interim custody of the scooty in question to applicant, colour photographs of cabinet size from different clearly angles indicating registration number and other particulars of the scooty 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 scooty in question in any criminal activities or in transportation of any objectionable articles, the order as to interim release of the scooty in question shall stands vacated automatically.

Panvel
Date 25/03/2026

(S. R. Ugale)
Special NDPS Judge, Panvel

CERTIFICATE

I affirm that, the contents of this PD.F. file judgment/ order are same, word to word, as per the original Judgment.

Name of Stenographer : S.J.Sheth, (Grade-1)
Name of Court : District Court-1 &
Additional Sessions Court, Panvel
Date of Dictation (direct) : 25/03/2026
Order signed by the PO on : 25/03/2026
Order uploaded on : 27/03/2026