


MHRG170024672024 	ORDER BELOW EXH. 39 IN SPECIAL CASE NO. 207/2024 State of Maharashtra Vs. Arif Jakir Shekh And 04 CNR NO. MHRG170024672024
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1. By this application, the applicant Pankaj Anand Mohite has prayed for grant of interim custody of the Innova 2.5 V (M) bearing No.MH43/AJ-1350.
2. Learned advocate Smt. Priyanka Gaikwad for the applicant has submitted that after due investigation the report has been submitted. According to her, if the vehicle is asked to lie in the police station, it would cause damaged to the vehicle. According to her, this Court by passing order below Exh.31 had granted interim custody of the vehicle to the co-accused. Therefore according to her, it would be just to grant of interim custody.
3. Per contra, learned SPP Mr. A. R. Kadam has submitted that the vehicle was used in serious crime and that if the aforesaid vehicle is returned to the applicant, again it would be used in similar type of offence and therefore it is prayed for rejection of the application.
4. So far as interim custody of the vehicle is concerned I am guided by the judgment of Hon'ble Supreme Court in Sunderbhai Ambalal Desai vs. State of Gujarat, MANU/SC/1110/2002. In the said decision of their

Lordships the issue of release of vehicles seized in connection with crimes and parked at police stations has been dealt with and answered thus:

"17. In our view, whatever be the situation, it is of no use to keep such seized vehicles at the police stations for a long period. It is for the Magistrate to pass appropriate orders immediately by taking appropriate bond and guarantee as well as security for return of the said vehicles, if required at any point of time. This can be done pending hearing of applications for return of such vehicles.

18. In case where the vehicle is not claimed by the accused, owner, or the insurance company or by third person, then such vehicle may be ordered to be auctioned by the Court. If the said vehicle is insured with the insurance company then the insurance company be informed by the Court to take possession of the vehicle which is not claimed by the owner or a third person. If the insurance company fails to take possession, the vehicles may be sold as per the direction of the Court. The Court would pass such order within a period of six months from the date of production of the said vehicle before the Court. In any case, before handing over possession of such vehicles, appropriate photographs of the said vehicle should be taken and detailed panchnama should be prepared."

5. Considering the law laid down by the Hon'ble Supreme Court and the fact that it will take time for final decision of the case and if during said period the vehicle is allowed to be kept at police station in the open space, it would damage spare parts of the vehicle, in my view it would be just to hand over the custody of the vehicle to the

applicant.

6. At the same time, this Court is required to consider the submission advanced by the learned SPP that the vehicle would be reused in the commission of similar type of the crime. Considering the fact that there are allegations in respect of transportation of the narcotic, stringent condition are required to be imposed upon the applicant. Hence, I proceed to pass following order.

:: ORDER ::

1. Application Exh.39 is hereby allowed.
2. The Muddemal property Innova 2.5 V (M) having registration No.MH43/AJ-1350, Chassis No. MBJ11JV4007281204, Engine No.2KD6815865 be returned to the applicant on his executing indemnity bond of Rs.10,00,000/- and the Bank guarantee of Rs.4,00,000/- be deposited with the Investigation Officer.
3. The applicant shall not use said vehicle in similar nature of crime and if similar crime even if, is registered against him, the vehicle shall be liable to be confiscated.
4. The investigation officer while returning the vehicle to the applicant shall snap photographs and draw detailed panchnama and place the same before this court.
5. The applicant shall bear the costs for snapping the photographs.

6. The applicant shall not destroy, transfer or change the nature of the vehicle till the trial is concluded.
7. He shall produce the vehicle before this court as and when required by this court at the time of trial.
8. Inform the investigation officer.

**Panvel,
Dated :- 10/10/2025**

**(Dinesh E. Kothalikar)
Special Judge (NDPS),
Panvel Dist-Raigad.**