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Special Case No. 29/2025

CNR No. MHRT010005022025

The State

Prosecution

Vs.

Adanan Najimmiya Nakhawa

Accused.

Common Order below Exh. 12 and 25.

(Dated 16.05.2026)

1. By way of present application under Section-497 of BNSS the applicant/accused Adanan Najimmiya Nakhawa has prayed for return of the Suzuki Burgman Street RC motor cycle bearing registration No.MH-08-BF-9992 which was seized in connection with CR No.133/2025 registered with Ratnagiri City Police Station for the offence punishable under Section 8(c), 21(b) of N.D.P.S. Act.

2. Perused the application, say and documents.

3. Heard learned advocate Shri. S. S. Tharval for applicant/accused, learned SPP Smt. V. D. Prabhu for State.

4. The learned advocate for the applicant submitted that the applicant/accused is owner of seized motor cycle. The said motor cycle was seized in connection with above said crime by Ratnagiri City Police. The applicant/accused was using said vehicle for his job purpose. If the said would not be released then there are chances of deteriorating the motor cycle by damage its spare parts which would caused huge loss to the applicant. The applicant is ready to abide by all the terms and conditions which may be imposed by this court including not changing nature of the same and not creating third party rights in it. Hence, the motor cycle may be

returned to the applicant on appropriate conditions.

5. The Ld. SPP and Investigating Officer have filed say at Exh. 15 and objected the application. They have submitted that if the motor cycle may be handed over to the accused it may be again used in the similar offence and there are chances of changing the nature of the motor cycle and sale the same to third person. Hence, the application may be rejected.

6. From the record it is clear that the factum of seizure of vehicle from the applicant has not disputed by the prosecution. The applicant/accused has also produced the documents showing ownership of the vehicle such as verified copy of RC book, Insurance Policy of the motor cycle. The prosecution has not disputed those documents.

7. Time and again it is observed by the Hon'ble Supreme Court that it is always better to return the muddemal property like motor cycle on appropriate conditions including production of the same in the court whenever required and that of not changing nature of same. Otherwise, the motor cycle would be damaged by lying idle outside the police station. On this point a reliance can be placed on the observations of the Hon'ble Supreme Court in the case of ***Sunderbhai Ambalal V/s. State of Gujrat, 2003 SC 638.***

8. Considering the valuation of the motor cycle in my view it would be necessary to direct the applicant to furnish an indemnity bond of Rs.1,00,000/- (Rupees One Lakh only) along with other appropriate conditions while permitting the accused to take back the motor cycle. Considering the above

observations it is clear that the motor cycle can be returned to the applicant/accused on appropriate conditions. Hence, I pass following order;

ORDER

1. Applications Exh. 12 and 25 are hereby allowed.
2. The vehicle i.e. Suzuki Burgman Street RC motor cycle bearing registration No.MH-08-BF-9992 which was seized in connection with CR No.133/2025 registered with Ratnagiri City Police Station be returned to the applicant/accused Adanan Najimmiya Nakhawa on execution of Indemnity bond of Rs.1,00,000/- (Rupees One Lakh only), on following conditions:-
 - a) He shall produce the same before the court and police as and when required.
 - b) He shall not dispose off the said motor cycle by any means i.e. sale, gift, exchange, etc.
 - c) He shall not change the nature and color of the said motor cycle in any manner.
 - d) That, before handing over the motor cycle photographs of the motor cycle may be taken, so that, the motor cycle can be identified by the photographs and the signatures of the accused person be taken on the photographs.
 - e) Investigating officer shall prepare detail panchanama regarding the motor cycle before handing over it to the applicant/accused.

Date : 16.05.2026

(V. Y. Jadhav)
Special Judge, Ratnagiri