

**ORDER BELOW EXH.1**

- 1) This application is filed by applicant Shri. Sameer Subhash Mhatre under Section 503 of the Bharatiya Nagarik Suraksha Sanhita ,2023.
- 2) It is contention of the applicant that, the Inspector, State Excise, Kudal has seized BMW X1 SDRIVE 200 M SPORT bearing registration no. MH-06-BU-4444 in relation to Crime No.37/2026 for the offence punishable under Section 65 (a), 65(e) and 90 of Maharashtra Prohibition Act. Therefore, he has filed present application for interim custody of the muddemal. In support of the application, he has filed copies of R. C. Book, Insurance of vehicle, Aadhar Card, affidavit of original owner and copy of F. I. R.
- 3) The description of the muddemal is as under:-

Vehicle	:	BMW X1 SDRIVE 200 M SPORT
Registration No:	:	MH-06-BU-4444
Chassis No.	:	WBAHU1701K5L41722
Engine No.	:	0193Y198
- 4) Perused application, documents filed in support of it and say filed by the I.O. and APP.
- 5) Heard Ld. Advocate for the applicant.
- 6) I.O. and Ld. APP have objected the application. They

contended that if custody of muddemal is handed over to the applicant he may use the vehicle for commission of similar offence in future. There may be possibility that, he may sell the vehicle and change its nature. Hence, prayed for rejection of application.

7) On perusal of record, it reveals that, the applicant has purchased seized vehicle from Ajaj Ahamad Shaikh. R.C. book of seized vehicle reveals name of Ajaj Shaikh. Though the original owner has filed his affidavit and submitted that, he has no objection to hand over custody of seized vehicle to the applicant. It is also submitted by the applicant that, he is ready to abide by all the conditions to be imposed by this Court. Considering facts of the matter no purpose would be served by keeping the muddemal in unattended condition at State Excise, Kudal. If muddemal remained idle, then there is possibility of getting it damaged. So there is no reason to reject present application and more particularly in view of the law laid down by the Hon'ble Apex Court in the case of ***Sunderbhai Ambalal Desai V/s State of Gujrat***¹, there is no use to keep seized properties at State Excise, Kudal for long period and appropriate order needs to be passed immediately regarding return of property by taking appropriate bonds as well as security for return of the property, if required at the time of trial. In the result, following order is passed :-

1 AIR 2003 SC 638.

ORDER

1. Application is allowed.
2. Inspector State Excise, Kudal is hereby ordered that, after due verification of identity of the applicant, interim custody of vehicle i.e. BMW X1 SDRIVE 200 M SPORT bearing registration no. MH-06-BU-4444 in relation to Crime No.37/2026 be handed over to the applicant on his executing Indemnity Bond of Rs.40,00,000/- subject to following conditions :-
 - i) Applicant is directed to co-operate with investigation machinery and directed to produced documents of seized vehicle if and when required by police.
 - ii) Applicant shall not sell, transfer or create third party interest upon the said muddemal without prior permission of this Court;
 - iii) Applicant shall not change the colour and nature of the said muddemal;
 - iv) Applicant shall produce the said muddemal as and when ordered by the Court;
 - v) Applicant shall produce two colour photographs of the said muddemal out of which one shall be from front side and other one shall be from rear side.
3. Inform Inspector State Excise, Kudal accordingly.
4. I.O. is hereby ordered to submit all relevant papers of release of above said muddemal along with final report of C. R. No.37/2026 and he shall mention in it about the return of *muddemal* property to the applicant.

Date:- 12/03/2026

(Jaheda M. Mistry)
Judicial Magistrate, F. C.
Sawantwadi.