

**ORDER BELOW EXH.1**

- 1) This application is filed by the applicant namely Kantilal Bechardas Parmar through his Power of Attorney holder Shri. Arvind Tukaram Mhadeshwar under Section 503 of the Bharatiya Nagarik Suraksha Sanhita 2023.
- 2) It is contention of the applicant that, the Police Station Banda has seized MARUTI SUZUKI A STAR bearing registration no. MH-02-BY-3909 in relation to Crime No.11/2026 for the offence punishable under Section 65(a) (e) of Maharashtra Prohibition Act and Sec. 3/181 of Motor Vehicle 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, power of attorney and copy of F. I. R.
- 3) The description of the muddemal is as under:-

Vehicle	:	MARUTI SUZUKI A STAR
Registration No:	:	MH-02-BY-3909
Chassis No.	:	MA3EPDE1S00320281
Engine No.	:	K10BN1220375
- 4) Perused application, documents filed in support of it and say filed by the I.O. , APP and accused.
- 5) Heard learned Advocate for the applicant.

6) Ld. APP and I. O. 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. Accused has no objection to handover the vehicle in the custody of applicant.

7) On perusal of record, it reveals that, the applicant is owner of seized vehicle. 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 Police Station Banda. 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 Gujrat¹**, there is no use to keep seized properties at Police Station 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. Police Inspector Police Station Banda is hereby ordered that, after due verification of identity of the applicant, interim custody of vehicle i.e. MARUTI SUZUKI A STAR bearing registration no. MH-02-BY-3909 in relation to Crime No.11/2026 be handed over to the applicant on his executing Indemnity Bond of Rs.6,00,000/- 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 Station Banda 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.11/2026 and he shall mention in it about the return of *muddemal* property to the applicant.

Date:- 28/04/2026

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