



CRI.M.A.NO.49/2026(EXH.1)

MHSI06-000252-2026

Swapnil Bagkar Vs. State

ORDER BELOW EXHIBIT NO.1

(Passed on : 24/03/2026)

1. This is an application filed under Section 503 of Bhartiya Nagarik Suraksha Sanhita, 2023 to hand over possession of vehicle seized by Banda police station in relation to Crime No.16 of 2026 for offences punishable u/s.65(A),(E) of Maharashtra Prohibition Act.
2. According to the applicant police of Banda police station, have seized his vehicle i.e. Access 125 of Suzuki Motorcycle India Ltd. company, bearing registration No.MH-07-AM-2533, Engine No.AF212096418, Chassis No. MB8DP11AFK8E07615. He stated that, he is owner of this vehicle and in possession of the documents of the same. Further he stated that, the spare parts of his vehicle are diminishing due to its non use and impact of dust, rain and heat, as the vehicle are kept in open place at police station. Thus, he prayed to hand over the possession of the same.
3. I have called say of Ld. APP for state and I.O.
4. Ld. A.P.P. objected to return of seized vehicle on the grounds that, present application is filed for handover seized vehicle in Crime No.16/2026 of the Banda Police Station. Investigation is pending in this crime and charge sheet is not filed in the Court. If, vehicle handed over to the applicant, then, he will

used said vehicle for commission of similar kind of offences and there is possibility of it's alienation or change in the nature. Hence, she prayed for rejection of the application.

5. I.O. by his say strongly objected to handover seized vehicle to the applicant, on the ground that, If, vehicle handed over to the applicant, then, he will used said vehicle for commission of similar kind of offences. Hence, he prayed for rejection the application.

6. Perused the application and say of learned APP and investigating officer. In present application, applicant has produced uploaded copies of documents i.e. Certificate of Registration of seized vehicle, copy of FIR, copy of insurance policy and copy of Aadhar card of the applicant bearing No.787578560635. Further, this is an interim application, claimed possession of the vehicle which is temporary in nature i.e. till the final decision of the case. There is no other claimant for said vehicle. Further, in view of the findings given in the land mark case of "**Sundarbhai Ambalal Desai Vs. State of Gujarat, AIR 2002 SCC 5301,**" wherein it is directed to the Magistrate that, vehicles lying at the police station diminishes the value of the vehicle as well as its capacity to work is also decreases. Therefore, no purpose would served by keeping the vehicle lying in the police station and it needs to be released as expeditiously as possible. I.O. is at liberty to file application for re-seize of vehicle due to

breach of conditions imposed on applicant.

7. Therefore, there is no hurdle to hand over the interim possession of the vehicle to the applicants. Resultantly, in view of above mentioned findings, I do not found any reason to detain the vehicle. Hence, I pass following order :

-:: **ORDER** ::-

1. The seized vehicle i.e. Access 125 of Suzuki Motorcycle India Ltd. company, bearing registration No.MH-07-AM-2533, Engine No.AF212096418, Chassis No. MB8DP11AFK8E07615 in Crime No.16 of 2026 of Banda police station be given to applicant on executing indemnity bond for Rs.40,000/- (Rs. Forty Thousand only) on following conditions,
 - a) Applicant shall execute a indemnity bond stating that he will produce the vehicle as per the order of court in case of need in relation to present crime.
 - b) The applicant shall not alienate, transfer or change the nature of the above mentioned vehicle till the disposal of the case.
 - c) He must produce the vehicle as and when required by any police station or Court.
 - d) The applicant shall not use the vehicle in any kind of commission of offence.
 - e) Applicant shall directed to produce the original documents of the vehicle for verification purpose to the I.O.
 - f) On breach of any conditions mentioned above applicant is liable to deposit the amount of indemnity bond in the Court.

2. The PSO of Banda police station is hereby directed to take the colored photographs of seized vehicle and prepare detail suprutnama of releasing the said vehicle in the custody of the applicant, after executing bond. Applicant shall produce self attested two coloured photographs of the said vehicle.
3. Investigating officer is directed to attach the indemnity bond of applicant after its execution in record and proceeding of final report in Crime No.16 of 2026 by way of e-filing.

(Dictated and pronounced in open Court.)

Date: 24/03/2026

Place: Sawantwadi

(Smt. R. G. Kumbhar)
Judicial Magistrate, First Class,
Sawantwadi.