

**ORDER BELOW EXH.1**

1) This application is filed by the applicant namely Shalaka Sadashiv Gaonkar under Section 503 of the Bharatiya Nagarik Suraksha Sanhita 2023.

2) It is contention of the applicant that, the State Excise Check Post, Insuli has seized HYUNDAI SANTRO CAR bearing registration no. MH-07-AS-0756 (old no. GA-08-A-3428) in relation to Crime No.7/2026 for the offence punishable under Section 65(a), 65(e), 81, 83, 90 of Maharashtra Prohibition Act. She purchased the said vehicle from Viresh Nare. At that time, registration number of said vehicle was GA-07-A-3428. Then she registered the said vehicle in the office of R.T.O., Sindhudurg. Therefore the new registration number of the said vehicle is MH-07-AS-0756. Applicant was not using the said vehicle therefore old number plate remained as it is on said vehicle. In FIR old number of seized vehicle is mentioned. The new number of seized vehicle is MH-07-AS-0756. Applicant is owner of seized vehicle. Therefore, she has filed present application for interim custody of the muddemal. In support of the application, he has filed copies of R. C. Book, no objection certificate given by R.T.O. Bicholim Goa, notice of transfer of ownership of a motor vehicle (form no. 29), application

and grant of no objection certificate (form no.28), Insurance of vehicle, Aadhar Card and copy of F. I. R.

- 3) The description of the muddemal is as under:-  
Vehicle : HYUNDAI SANTRO CAR  
Registration No: MH-07-AS-0756  
(old no. GA-08-A-3428)  
Chassis No. : MALAA51HR4M499416  
Engine No. : G4HD4D83675
- 4) Perused application, documents filed in support of it and say filed by the I.O., APP and accused.
- 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 she may use the vehicle for commission of similar offence in future. There may be possibility that, she may sell the vehicle and change its nature. Hence, prayed for rejection of application. Accused has no objection to hand over the seized 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, she 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 Check Post, Insuli. 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***<sup>1</sup>, there is no use to keep seized properties at State Excise Check Post, Insuli 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 :-

### **ORDER**

1. Application is allowed.
2. Inspector State Excise Check Post, Insuli is hereby ordered that, after due verification of identity of the applicant, interim custody of vehicle i.e. HYUNDAI SANTRO CAR bearing registration no. MH-07-AS-0756 (old no. GA-08-A-3428) in relation to Crime No.7/2026 be handed over to the applicant on his executing Indemnity Bond of Rs.8,00,000/- 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;

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1 AIR 2003 SC 638.

- 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 Check Post, Insuli 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.7/2026 and he shall mention in it about the return of *muddemal* property to the applicant.

Date:- 11/03/2026

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