

MHST010009712026



Presented on : 12.05.2026

Registered on : 12.05.2026

Decided on : 13.07.2026

Duration Ys Ms Ds

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IN THE COURT OF ADDITIONAL SESSIONS JUDGE, SATARA

AT : SATARA

(Presided by Amit M. Shete)

CRI. REV. APPL. NO. 16 / 2026

Exh.No.

Rajendra Laxman Patil

Age : 41 yrs., Occu. Business

R/o Vasantgad Tal.Karad Dist.Satara

Applicant

(Accused)

Versus

State of Maharashtra

(through Borgaon Police Station)

Respondent

(Prosecution)

Cri. Rev. Application under Section 397 of the Code of Criminal
Procedure

Appearances:

Ld. Advocate Shri. A.R. Nikam, for the Applicant.

Ld. Advocate Shri N.D. Muke, for the Respondent/Prosecution

: J U D G M E N T :

(Delivered on this 13th day of July, 2026)

1. Feeling aggrieved and dissatisfied by the order dated 04.08.2025 passed by learned Judicial Magistrate F.C. (Court No.8), Satara below Exh.1 in S.C.C. No.2006 of 2025, the applicant (accused) filed revision application. By the impugned order, the ld. Magistrate was pleased to confiscate the truck bearing No.MH-50/4096. (The parties are referred as per their original nomenclature).

Few relevant facts :

2. The Excise Department intercepted the truck in question on 29.04.2025 at about 3.10 a.m. on Karad to Satara road within the limits of village Borgaon. During the interception, the truck was found loaded with illegal liquor and therefore, the report in which the subject truck came to be seized.

2.1. Pending hearing of the trial, the accused filed an application seeking interim custody of the truck which was opposed by the State. The learned Magistrate rejected the application and hence, present revision.

3. Heard both sides at length. Gone through the revision applications and documents filed on record. Following

(Amit M. Shete)
Addl. Sessions Judge, Satara

points arose for my determination and the same are answered accordingly for the reasons noted below:-

<u>Sr.No.</u>	<u>Points</u>	<u>Findings</u>
1.	Whether the learned Magistrate erred while rejecting the application seeking interim custody filed by accused?	Yes.
2.	Whether interference is required?	Yes.
3.	What order ?	.. As per final order.

: REASONS :

4. The prosecution by filing say (Exh.07) strongly opposed the application contending that the illegal and duplicate liquor was transported in the subject truck owned by the accused that too without any permit. The driver of said truck failed to produce the registration documents. The owner had let out the truck for illegal transportation of the liquor. There is a provision of confiscation in Maharashtra Prohibition Act and thus, prayed for rejection of the revision application and confirmation of the order.

5. The learned Advocate for the accused submitted across the bar that the accused who is registered owner of the said truck is ready to undertake to produce the subject truck as and when directed and required. The accused will not change

its look nor will create third party rights. As per the law settled by the Hon'ble Apex Court in the case of **Sunderbhai Ambalal Desai & Ors. v. State of Gujarat (2002)**, the interim custody of the said truck be given to the applicant. Thus, prayed for allowing the application.

As to point nos.1 to 3 :-

6. With the help of both sides gone through the revision application and documents placed on record. It is apparent that the present applicant is the registered owner of the subject truck. The Excise Department found subject truck while transporting the liquor which was duplicate and without permit. For the said act, the Excise Department had filed the report and the trial is pending. The fate of the incident will be determined during the trial.

7. As per the settled law in the case of **Sunderbhai (supra)** laid down by the Hon'ble Apex Court, the interim custody of subject truck can be given to the applicant who is registered owner. The confiscation of the subject truck can be determined at the fag end of the trial. However, till conclusion of the trial, the interim custody of said truck needs to be given to the applicant (accused). The confiscation rather the seizure was done long back due to which, the permit and insurance of the said truck could not be renewed and therefore, by imposing certain conditions, the revision can be allowed.

8. The learned Magistrate was misdirected about the confiscation. The confiscation can always be done at the conclusion of trial however, pending the trial, there cannot be any hindrance in handing over interim custody to the accused who is registered owner. Thus, the learned Magistrate has erred while passing the impugned order warranting interference. Thus, I answer the points accordingly and pass the following order:

: **ORDER** :

1. The criminal revision application no.16 of 2026 stands allowed.
2. The order dated 04.08.2025 passed by learned Judicial Magistrate F.C. (Court No.8), Satara below Exh.1 in S.C.C. No.2006 of 2025 stands quashed and set aside.
3. The application seeking interim custody filed by applicant (accused) stands allowed on following terms and conditions :-
 - i. Pending hearing and final disposal of the trial, the interim custody of truck bearing MH-50/4096 be given to the applicant (accused) on furnishing supurtnama in the sum of Rs.10 lacs.
 - ii. The applicant shall not change its inner and outer look.
 - iii. The applicant shall produce the subject truck as and when called by the concern learned Magistrate.

- iv. The applicant shall not create third party rights over the subject truck.
 - v. The applicant to obtain the necessary permissions from RTO such as permit, fitness, insurance etc. immediately on taking interim custody of the subject truck.
 - vi. The applicant shall not use the subject truck for any illegal activities.
4. Pending applications, if any, stands disposed off.
5. Issue memorandum accordingly.

SATARA.
Dt.13.07.2026

(Amit M. Shete)
Addl. Sessions Judge, Satara.

(Amit M. Shete)
Addl. Sessions Judge, Satara