

Cri. M. A. No.60/2026

MHST0600105652026

ORDER BELOW EXHIBIT. 1

(Passed on 09/06/2026)

(Prakash Bapurao Ghodke Vs Maharashtra State)

The present application has been filed by the applicant Prakash Bapurao Ghodke, under the provisions of Section 503 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking interim custody of the property, a four wheeler vehicle MARUTI OMNI bearing R.T.O. Registration No. MH-12-NU-8943 (hereinafter referred to as "the said vehicle" for the sake of brevity), which has been seized by the Dahiwadi Police Station in connection with Crime Register No. 152/2026.

2. Perused the contents of the application, along with the affidavit annexed thereto, and has also considered the written submissions of the Learned Assistant Public Prosecutor and the Investigating Officer concerned.

3. According to the applicant, Dahiwadi Police Station Dahiwadi has seized his vehicle R.T.O. Registration No.MH-12-NU-8943, Chassis No. MA3EVB11S01753940, Engine No. 4969266 in C. R. No. 152/2026, for the offence punishable under Section 65(E) of The Maharashtra Prohibition Act, 1949 and kept at Assistant Inspector of Dahiwadi Police Station Office, Satara. The vehicle is owned by him and it has no connection with the offence. The applicant has submitted that the said vehicle is registered on name. It is further contended that the said vehicle has no nexus

whatsoever with the commission of the alleged offence, and that the investigation as well as the subsequent trial in the said matter is likely to take considerable time. The applicant has further submitted that if the said vehicle is allowed to remain idle in the police station premises, it may suffer natural wear and tear, damage due to environmental exposure, and consequent depreciation, which would cause irreparable economic loss to him. The applicant has expressed his willingness to abide by all the terms and conditions that may be imposed by this Court while granting interim custody. In support of his claim, applicant has placed on record the copy of the FIR in C.R. No. 152/2026, the Aadhaar Cards of himself, and a verified copy of the Registration Certificate (R.C. Book) of the said vehicle.

4. Per contra, the Learned A.P.P. has submitted that the said vehicle was used in the commission of a serious offence, and that releasing the same at this stage may result in its alteration, misuse, or even alienation, thereby adversely affecting the course of the ongoing investigation. Similar apprehensions have been raised by the Investigating Officer, who, in his written reply filed at Exhibit 05, has opposed the application on the ground that if the vehicle is returned to the applicant, there exists a substantial risk of repetition of the offence, tampering with the evidence, or disposal of the said vehicle to third parties, which would render its production at the time of trial improbable. Consequently, the prosecution and the Investigating Officer have prayed for rejection of the present application.

5. It is argued by the learned advocate on behalf of the applicant that the documents on record shows that the said applicant is the owner of the vehicle. The hearing of the case would take time. The applicant being the owner of the vehicle, is entitled to its custody. If the vehicle is allowed to remain in the police station then loss will be caused to the applicant. Hence, prayed for the custody. It has also been submitted that the said vehicle has been lying in the premises of Dahiwadi Police Station since its seizure, and continued storage of the vehicle under such conditions would only lead to its further deterioration and economic devaluation. The applicant is ready and willing to furnish appropriate bonds and security to ensure its production before the Court as and when required.

6. Upon consideration of the rival submissions and after having perused the documents placed on record, it appears that the vehicle in question was seized within the jurisdiction of Dahiwadi Police Station, and the Certificate of Registration (Exhibit 03/01) shows the name of the applicant as the registered owner of the said four-wheeler. The Court is, therefore, of the view that the applicant has sufficiently established his legal entitlement to the possession of the said vehicle. Furthermore, it is evident that the said vehicle is presently parked in the premises of Dahiwadi Police Station, and there exists a reasonable possibility of its damage due to long-term idleness and exposure to weather, should it be kept there indefinitely during the pendency of investigation and trial. The objections raised by the prosecution, can be

effectively addressed by imposing stringent conditions, and by executing indemnity bond. Mere apprehensions, without any specific material to substantiate the likelihood of such events, cannot be grounds for indefinite detention of the property, particularly when its continued seizure may lead to economic loss.

7. In this regard, reliance is placed upon the judgment of the Hon'ble Supreme Court in the case of **Sundarbhai Ambalal Desai vs. State of Gujarat, AIR 2003 SC 638**, wherein it was held in paragraph 17 that, *"Whatever may be the situation, it is of no use to keep the seized vehicle at the police station for a long period. It is for the Magistrate to pass appropriate orders by taking appropriate bond and guarantee as well as security for return of the seized vehicle, if required at any point of time. This can be done pending hearing of the application for return of the seized vehicles."* The Hon'ble Court emphasized that seized vehicles should not be allowed to remain idle and must be released to the rightful claimant subject to adequate safeguards.

8. In light of the foregoing discussion, and considering that the applicant has expressed his readiness to comply with the terms and conditions to be imposed by this Court, I am of the considered opinion that the prayer for interim custody deserves to be allowed, subject to appropriate conditions to safeguard the interest of justice and to ensure availability of the said vehicle for investigation and trial. Hence, I proceed to pass the following order-

ORDER

1. The application is allowed.
2. The interim custody of the four wheeler Registration No. MH-12-NU-8943, Chassis No. MA3EVB11S01753940, Engine No. 4969266 be handed over to the applicant Prakash Bapurao Ghodke, till the conclusion of the trial subject to the following conditions:-
 - i) Applicant shall execute indemnity bond of Rs.03,00,000/- (Rupees Three Lakhs Only) before the police.
 - ii) Applicant to undertake that he will not dispose of, alienate encumbrance, create third party rights or part with possession of the four wheeler without prior permission of the Court.
 - iii) Applicant shall not change the engine number, chassis number, color and body of the four wheeler till final disposal of the case.
 - iv) Applicant shall produce the four wheeler before the Court, as and when required by the Court.
3. The investigating officer is directed to prepare detail panchanama of the vehicle and shall take coloured photographs, which shows above description including engine number, chassis number of the MARUTI SUZUKI INDIA LIMITED, MARUTI OMNI four wheeler before handing it to the applicant. Photographs should be attested and counter signed by the applicant and the investigating officer.
4. The I.O. is directed to submit the panchanama along with charge sheet.
5. Inform the I.O. accordingly.

Sd/-xxx

Dahiwadi.

(Smt. A. Y. Shaikh)

Date : 09/06/2026

Judicial Magistrate F.C., Dahiwadi