

MHST070029882023



**Order Below Exh. 1 in Cr. M. A. No. 353/2023
(Abhijeet Rajaram Hapase Vs. The State Of Maharashtra-Karad City
Police Station)**

1. This application is filed by the applicant for handing over interim custody of Passion plus motorcycle bearing registration No. MH-11-AN-4502 having chassis No. MBLHA10ELG65822 and Engine No. HA10EB8GE79720 seized in connection with Cr. No. 421/2023 registered with Karad Excise Police Station for the offence punishable under Section 65(e) of Bombay Prohibition Act.

2. In short, applicant's case is that, the applicant is owner of said vehicle which was seized in connection with Cr. No. 421/2023 registered with Karad City Police Station. The vehicle is in Police Station. If the motorcycle is kept at Police Station then there is possibility that the spare parts of the motorcycle may be damaged. The applicant is in need of said vehicle. He is ready to abide each and every condition if the motorcycle is released. Hence, the applicant prayed to release the vehicle in present crime.

3. APP opposed the application by filing say. It is contended that the vehicle in question is alleged with involved in transport illegal liquor. Therefore, in view of Section 98, 99 and 100 of the

Maharashtra Prohibition Act, said vehicle is required to be confiscated. If, said vehicle is handed over in the custody of the applicant then he will commit other offence. Certified copy of the RC book is not filed on record. Seizer panchanama is also not filed on record. Contending all these learned APP prayed to reject the application. Investigation officer prayed to pass appropriate order for handing over interim custody of the said vehicle in favour of the applicant.

4. Heard learned counsel for the applicant and learned APP for the State.

5. Perused the record. The applicant has filed on record copies of documents i.e. copy of her Aadhaar Card (Exh.7) and copy of R.C. Book for showing ownership (Exh.8). On careful perusal of documents of said vehicle it appears that the applicant is owner of said vehicle. Undisputedly the vehicle in this crime was seized and the said vehicle is lying with Police Station. Except the applicant, nobody has claimed the custody of the vehicle. If the vehicle is kept in Police Station unused, its engine and machinery will be corroded. In such circumstances, there is no point to keep the vehicle in Police Station. Therefore, there is no reason to disbelieve that the applicant is entitled for interim custody of said vehicle. In such circumstance the application deserves to be allowed with certain conditions.

ORDER

1. The application is allowed.
2. The Officer-in-Charge of Police Station, Karad City is directed to hand over interim custody of Passion motorcycle bearing registration No. MH-11-AN-4502 having chassis No. MBLHA10ELG65822 and Engine No. HA10EB8GE79720 seized in connection with Cr. No. 421/2023 registered with Karad Excise Police Station belonging to the applicant subject to the applicant tendering a bond for an amount equivalent in the value of the vehicle or Rs. 75,000/- (Rupees Seventy Five Thousand Only) on stamp paper of Rs.500/-.
3. The applicant to undertakes that, he shall not sell or transfer the property without the prior permission of the Court and shall maintain and preserve the property in all respects till final conclusion of the proceeding arising out of Cr.No.421/2023 registered with Karad Excise Police Station.
4. The investigating officer is directed to take photographs of vehicle from each side and to prepare a panchanama and to file said photographs and panchanama along with final report.

(Pronounced in the open Court)

Date: 11/03/2026.

(Prashant P. Kulkarni)
Judicial Magistrate First Class,
Court No. 4, Karad.