

S.C.C. No. 3747/2024.

State of Maharashtra Vs Vishal Raghunath Tupe & oths.

CNR No.- MHST070055022024.

ORDER BELOW EXHIBIT NO.04

1. This is an application filed by the **applicant Pandurang Daulat Patil** under Sec. 497 of the Bhartiya Nagarik Suraksha Sanhita, 2023 to handover the custody of seized- **Ashok Leland Ltd. Bada Dost 14TNDD.**, bearing its registration No. **MH-39-AD-1702**, kept at State Excise Department, Satara, in C.R. No. 530/2023, registered for the offence punishable under Section 65(A)(E), 81, 83 and 90 of the Maharashtra Prohibition Act.
2. It is contention of the applicant that, he is registered owner of above said vehicle. Said vehicle is in the custody of State Excise Department, Satara. He is in need of said vehicle for daily use. The possibility of its parts being damaged cannot be ruled out. He is ready to abide by conditions that may be imposed. Therefore, prayed to allow the application.
3. Learned A.P.P. has filed say below the application and raised objection on ground that, offence is serious in nature. If said vehicle will be released in favour of said applicant, he will further be used it in similar kind of said offences also he will change nature of it and thereby vitiate further Court proceedings. And also inquiry is necessary regarding the ownership documents of the vehicle. Therefore, prayed for rejection of the application.
4. In support of the application, the applicant has filed the documents such as; photocopy of FIR, photocopy of R.C.Book of the vehicle and photo copy of Aadhar card of the applicant.

5. Perused the record, documents enclosed and say of the learned A.P.P.

6. Heard learned advocate on behalf of the applicant and learned A.P.P. for the State.

7. I have given thoughtful consideration to the submissions of both sides. I have also minutely gone through the documents enclosed. First of all, as far as document of title is concerned, the applicant has filed verified copy of the R.C. Book. It shows that, the applicant is registered owner of said vehicle. Further, the applicant has affirmed his possession over the vehicle, which is undisputed. The seizure of vehicle is also not disputed.

8. This court has power vide Sec.-497 of the Bhartiya Nagarik Suraksha Sanhita in connection with offence punishable under said sections, to pass order for interim custody of said vehicle, pending trial.

9. Thus, in view of aforesaid discussion, coupled with the fact that, if the vehicle is either kept idle in the police station or in the court, the possibility of damaging, diminishing the value and utility of seized vehicle cannot be ruled out. Considering rule of precedents, case law of the Hon'ble Apex Court is applicable to facts of case in the hand. In such circumstances in view of above discussion and ratio laid down by the Hon'ble Apex Court reported in case of ***Sundarbhai Vs. State of Gujarat, reported in AIR 2003 Supreme Court 638***, it is just and proper to allow the application and handover the custody of seized vehicle to the applicant on imposing suitable conditions. Therefore, I do not find any obstacle to allow the application. Hence, I pass the following order ;

ORDER

- 01) The application is allowed.

- 02) The applicant **Pandurang Daulat Patil** , R/o. Sultanpur, Nandurbar, Post Sulwade, Tah.Shahada, Sultanpur, Nandurbar, Maharashtra, is entitled to receive custody of seized **Ashok Leland Ltd. Bada Dost 14TNDD**, bearing its registration No. **MH-39-AD-1702**, kept at State Excise department, Satara, in **Crime No. 530/2023**, registered at State Excise department Satara, on executing Indemnity bond of **Rs. 10,00,000/- (Rupees Ten Lakh Only)**.

- 03) The I.O./P.S.O. is directed to deliver the possession of seized vehicle to the applicant after due identification and panchnama, subject to following conditions;
 - (A) The applicant shall execute an indemnity bond, binding himself that he shall produce the said vehicle as and when directed by the Trial, Appellate or Revision Court and not to use the vehicle again for committing any offence and in default, to forfeit an amount of Rs. 10,00,000/- (Rupees Ten Lakh Only).
 - (B) The applicant shall produce before the I.O. / P.S.O. concerned, colour photographs of the said vehicle with self attestation for identification purpose in the trial. Concerned officer shall facilitate such photographs.

 - (C) On execution of said indemnity bond, issue letter to the concerned P.S.O. to facilitate and take the

photographs as mentioned above and to handover custody of the seized vehicle to the applicant by preparing necessary memorandum and forward the same to the Court.

(D) The applicant shall not dispose of, sell, mortgage, hypothecate or create any third party interest on the said vehicle or change the nature of it including colour of the said vehicle in any manner without prior permission of the court.

04) Concerned P.S.O. or I.O shall produce copy of the Indemnity Bond on the R & P of SCC 3747/2024.

(Pronounced in open Court)

Date:- 13/03/2026.

(A. A. Utpat)
Judicial Magistrate F.C.,
Karad, Dist. Satara. (Court No.5)