

MHST140011422026



**Order Below Exh. No.1 in Cri. M.A. No. 111/2026
(Ashok Iran Bhandari V/s. State)**

Applicant Ashok Iran Bhandari has filed this application to release vehicle i. e. Honda Motorcycle & Scooter company's M-Cycle/Scooter registration No. MH-11-CN-6278, Chasis No. ME4JF50ACJU020925, Engine No. JFSOEU7020945 seized by State Excise Department, Flying Squad, Satara in Crime No110/2026 for the offence punishable under Section 65 (a)(e) of Maharashtra Prohibition Act, 1949. The applicant has claimed the interim custody of vehicle i. e. Honda Motorcycle & Scooter company's M-Cycle/Scooter registration No. MH-11-CN-6278 as an owner. Learned A. P. P. filed her say below Exh.1 and I.O. has filed his say at Exh.5. The I. O. and A.P.P. have strongly objected to release seized vehicle in favour of applicant.

2. Heard. Learned Advocate for applicant and learned A. P. P. for the State. I also gone through documents produced by applicant. The applicant produced on record verified copy of Aadhar Card (Exh.7), verified copy of R. C. book of said vehicle (Exh.6), certified copy of F.I.R.(Exh.8) and verified copy of agreement of sale(Exh.9). The Copy of R. C. book shows that, Bharati Dadaso Gaikwad is the registered owner of the said vehicle. The agreement of sale of the said vehicle shows that, applicant purchased said vehicle from Bharati Dadaso Gaikwad on 15.05.2025. The say of I.O. shows that motorcycle was seized from the custody of accused Ashok Iran Bhandari.

3. Record shows that investigation almost completed. The custody of vehicle did not required for investigation. If vehicle remains in the custody of police, there is possibility of degradation, loss and damages to vehicle. In view of ratio laid down in Judgment by The Hon'ble Apex Court in **Sunderbhai Desai V/s. State of Gujarat; AIR SC (2003) 638** present application need to be allowed. Considering the documents produced by applicant, I found no hurdle to give interim custody of Honda Motorcycle & Scooter company's M-Cycle/Scooter registration No. MH-11-CN-6278 on Supurtnama to applicant with certain conditions. Hence, I pass the following order.

ORDER

1. Application is allowed.
2. The vehicle i. e. Honda Motorcycle & Scooter company's M-Cycle/Scooter registration No. MH-11-CN-6278, Chasis No. ME4JF50ACJU020925, Engine No. JFSOEU7020945 be released in favour of applicant namely Ashok Iran Bhandari on execution of Indemnity/Supurtnama bond of Rs. 70,000/- (Rupees Seventy Thousand only).
3. The applicant shall not sale, transfer or dispose off or create any charge over the said vehicle till the final decision of this case.
4. The applicant shall not cause any change in or material alteration in the said vehicle till the disposal of this case.
5. The applicant shall produce the said vehicle in the Court as and when directed by the Court.
6. The concern police officer of State Excise Department, Flying Squad, Satara shall prepare the detail Panchanama as to the condition of vehicle before it is released to the applicant and he shall obtain colour photographs from different angles of the vehicle at the costs of applicant and produce the same in the Court.