

MHTH170006142026



Order Below Exh.1 in O.M.A.No.54/2026
**(Paresh Pandharinath More Vs. State through Excise
Department, Dahanu)**

(1) The present application is preferred by the Applicant Shri. Paresh Pandharinath More under under Section 503 of BNSS for release of property being vehicle TVS Jupiter (BS IV) Scooty bearing registration number MH-48-BG-5424, Chassis No. MD626EG45J1G89165, Engine No. EG4GJ1037493 (hereinafter “*said muddemal*”) seized in C.R.No.264/2025 (hereinafter “*said C.R.*”) registered with the State through Excise Department, Dahanu for the offence punishable under Sections 65(e), 98 of Maharashtra Prohibition Act, 1949. He is not the accused in the said FIR. Say of Investigating Officer (I.O.) and the Ld. A.P.P. was called for. Seizure panchanama was called. Say of accused was called.

(2) Application is supported with affidavit (Exh.1A). Perused Application and the documents tendered viz., copy of particulars of vehicle, photo copy of FIR, verified copy of RC book, verified copy of Aadhaar Card of applicant. Perused say of I.O.. Perused say of Ld. A.P.P. Shri.R.B.Sankhe Heard Ld. Advocate for the Applicant and Ld. A.P.P. for the State.

(3) *Vide* the present application, it is submitted that, the Applicant is the owner and possessor of the said vehicle. That, he is dependent on the said vehicle for his daily work and travel. That, if the said vehicle is left unused, it will be subject to decay and wastage. That, he will abide by the conditions. Hence, it is prayed that, the present application may kindly be allowed.

(4) Ld. A.P.P has submitted that, the vehicle used in the crime. So, if same be returned to the applicant he may sell it or may make changes in it, hence, this application may kindly be rejected.

(5) The I.O. has submitted (Exhibit 6) that, if the said vehicle is returned to the applicant he may use it to commit a similar crime other illegal acts. He may also change it or transfer it. Hence, this application may kindly be rejected and the vehicle be confiscated under Section 98 of the Maharashtra Prohibition Act.

(6) The accused namely Rutik Bapu Patil has submitted (Exhibit 5) that, he has no connection with the said vehicle. Hence, he filed no objection to handover the said vehicle to the applicant.

(7) Perused record before me, and considered arguments.

(8) Based on the documents given on record, it appears that, being the owner, the Applicant is *prima facie* entitled to the temporary possession as the owner of the said muddemal, subject to the final orders and judgment of the Court before which trial will be conducted. In view of directions of the Hon'ble Supreme Court in *Sunderbhai Desai Vs. State of Gujarat* (AIR 2003 SC 638), I do find merit in the arguments of the Ld. Advocate for the Applicant that, leaving the said vehicle unused is likely to subject it to decay, corrosion, etc. The value of the said vehicle is Rs.70,000/-mentioned in the FIR and present application. Considering the said gravity and apprehensions raised by Ld. A.P.P and I.O., the necessary amount of bond will be taken from the Applicant. In these circumstances:-

ORDER

- 1] The Application is allowed subject to conditions.
- 2] The said property (*muddemal*) namely vehicle TVS Jupiter (BS IV) Scooty bearing registration number MH-48-BG-5424, Chassis No. MD626EG45J1G89165, Engine No. EG4GJ1037493 (hereinafter "*said muddemal*") seized in C.R.No.264/2025 (hereinafter "*said C.R.*") registered with the State through Excise Department, Dahanu be temporarily handed over to the Applicant Shri. Paresh Pandharinath More till the conclusion of the trial, upon the Applicant executing indemnity bond of Rs.1,40,000/- (Rupees One Lakh Forty Thousand Only).
- 3] The Applicant to undertake that till the final conclusion of the trial/offence alleged-
 - i) He shall produce valid insurance papers.
 - ii) He shall not sell nor transfer the said muddemal, nor create any third party interest in the said muddemal, without the prior permission of the Court.
 - iii) The Applicant shall not use or give the said muddemal for any illegal purpose and shall not give it to the accused.
 - iv) The Applicant shall not alter, make any changes to the said muddemal.
 - v) He shall maintain and preserve the said muddemal in all respects.
 - vi) He shall produce the said muddemal in the Court as and when directed.
- 4] Applicant shall submit photographs of the vehicle. Investigation Officer/concerned P.S.O. is directed to hand over

the said vehicle only upon production of valid insurance papers. I.O./ concerned P.S.O. is directed to prepare detailed panchnama and to take necessary photographs of the said muddemal, with signature of the Investigation Officer, Applicant on the photographs, with date and time of the photographs, and submit in the Court. I.O. shall mention regarding the same in the charge-sheet.

5] *Humdast* to police station allowed.

Date: 23/03/2026
Place: Palghar

(Smt.P.S.G. Chalkar)
Judicial Magistrate First Class,
Palghar (2nd Court)

CERTIFICATE

I affirm that, the contents of this P.D.F file Judgment/order are same, word to word, as per the original Judgment/order.

Name of Stenographer	---	Prathamesh D. Patane (Stenographer Grade-3)
Court	---	2 nd Jt.CJJD & JMFC Palghar
Date	---	23.03.2026
Order digitally signed on	---	23.03.2026
Order uploaded on	---	24.03.2026