

MHTH170007902026



Order Below Exh.1 in O.M.A. No.76/2026
(Milind Shantaram Barad Vs. State Excise Dahanu)

(1) The present application is preferred by the Applicant Shri.Milind Shantaram Barad Tare *vide* Section 503 of BNSS for release of property being vehicle Honda CB Shine 125 Motorcycle bearing registration number MH-48-CH-3748, engine No. JC85ED2048131, chassis No. ME4JC85EBND032478 (hereinafter "*said muddemal*") seized in C.R. No.23/2026 (hereinafter "*said C.R.*") registered with the State Excise Dahanu for the offence punishable under Sections 65(e), 98 of the Maharashtra Prohibition Act, 1949. He is not the accused in the said crime. Say of Investigating Officer (I.O.) and the Ld. A.PP was called for. Seizure panchanama was called.

(2) Perused Application and the documents tendered (alongwith Exh.3), verified copy of Aadhaar Card, verified copies of RC Book, printed copy of insurance paper, photocopy of FIR. Perused say of I.O. Perused say of Ld. A.PP Shri. R.B.Sankhe. Heard Ld. Advocate for the Applicant and Ld. A.PP 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. 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 investigation is in progress and vehicle is seized in crime and also used in the crime. He may use the said vehicle again in a similar offence. So if it is 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. (Exh.5) has submitted 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, if permitted bank guarantee and surety be taken.

(6) Through his say (Exh.7), accused filed no objection to return the said muddemal to the applicant.

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

(8) Based on the documents given on record, i.e. verified copy of RC Book and photocopy of insurance of the said vehicle and say of IO, 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. 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.57,000/-mentioned in the say of the I.O. and the FIR. 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 Honda CB Shine 125 Motorcycle bearing registration number MH-48-CH-3748, engine No. JC85ED2048131, chassis No. ME4JC85EBND032478 (hereinafter "*said muddemal*") seized in C.R.No.23/2026 (hereinafter "*said C.R.*") registered with the State Excise Dahanu be temporarily handed over to the Applicant Shri. Milind Shantaram Barad till the conclusion of the trial, upon the Applicant executing indemnity bond of Rs.1,14,000/- (Rupees One Lakh Fourteen 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 or 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.
- vii) He shall not ride the vehicle without license.

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: 18/03/2026
Place: Palghar

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

CERTIFICATE

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

Name of Stenographer	---	Suraj S. Saddiwal (Stenographer Grade-3)
Court	---	2 nd Jt.CJJD & JMFC Palghar
Date	---	18.03.2026
Order digitally signed on	---	18.03.2026
Order uploaded on	---	20.03.2026