

In the Court of Additional Sessions Judge, Wardha.

O.M.C. No.05/2026
(CNR:MHWR010000552026)

Shri. Shuddhodhan Mukinda Mate

.. Applicant

..V/s..

State of Maharashtra,
Through Police Station, Sewagram,
Tah. & Dist.Wardha.

.. Non-applicant

Order below Exh.1

(Passed on 16th of March, 2026)

The applicant has filed the present application under Section 503 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking interim custody of the two-wheeler vehicle, namely Suzuki Access 125 moped, bearing registration No. MH 32-AT-3494, seized in connection with Crime No. 767/2025, registered at Police Station Sewagram.

02] It is the case of the applicant that on the basis of report filed by the Prakash Sahdeorao Lasunt offence was registered against the accused persons to whom he has given his vehicle. It is alleged that the present applicant is not concerned with the offence and he falsely implicated in the crime, so also his vehicle is seized and detained by the Police.

03] Accordingly, the applicant is need of his vehicle to perform his daily need and now the vehicle in kept in open premises and due to which his vehicle is suffering damages. He has therefore prayed for release of the vehicle.

04] The application is opposed by the prosecution by filing say which is at Exh.6 on the ground that apart from the incident crime there are other offences registered against the applicant vide crime No.38/2026 under the NDPS, Act and therefore, if the vehicle is released in his favour, possibility cannot be ruled out he will use the vehicle in the same nature of the offences.

05] Perused application. Heard respective Counsels. Perused the documents, it appears from the FIR that on receipt of information that some Narcotic Drug dealing is going to take place, the police planned raid and arrested 04 persons. The present applicant is also one of the accused and it is alleged that he fled away from the spot and other three accused were arrested. However, subsequently the present applicant is also arrested and now he is on bail.

06] On perusal of FIR it appears that the Narcotic Drugs was seized from the accused, and not from the vehicle. The applicant is registered owner of the vehicle, but there is no evidence that his vehicle exclusively being used for carrying the drugs.

07] It is further appears that, entire investigation is already over and the vehicle is now lying in the Police Station. If the vehicle is left at the police station for an indefinite period may result in deterioration, mechanically were substantially diminution in boths of its functional utility and its condition and depreciation of its value. Retaining the vehicle in an unused condition at the police station would serve no useful purpose.

08] The Hon'ble Supreme Court in the case of **Sunderbhai Ambalal Desai vs State Of Gujarat, Special Leave Petition (crl.) 2745 of**

2002 decided on 1 October, 2002 has held that in resept of seized vehicle at Police Station the court must pass appropriate orders immediately by taking appropriate bond and guarantee and not allow to keep seized vehicle at Police Station.

09] This Court is also of the view that in the present case is also, if the vehicle kept the custody of the police till trial over it will serve no purpose. The Courts takes judicial notes that vehicle in the police custody are stored in open and if there is no release if will cause substantial damage to its registered owner. The applicant has placed on record a copy of the Registration Certificate of the vehicle, a valid insurance copy which prima facie establishes his ownership. Hence, I proceed to pass the following order.

Order

- i) The application is hereby allowed.
- ii) The Suzuki Access 125 moped bearing Registration No.MH 32-AT-3494, Engine No.: AF216816180, Chassis No.: MB8DP12DKM8895014, shall be released in favour of the applicant **Shri. Shuddhodhan Mukinda Mate** on execution of a Supratnama bond of ₹ 80,000/- (Rupees Eighty Thousand Only), after due verification of the original documents.
- iii) The Investigating Officer, Police Station Sewagram, is directed to hand over the custody of the aforementioned vehicle to the applicant upon compliance with the above conditions.
- iv) The applicant shall not sell, gift, transfer, or alter the nature or appearance of the vehicle in any manner until the conclusion of the trial and shall produce the vehicle before the Court as and when directed.

v) The Investigating Officer shall take clear photographs of the vehicle from multiple angles before handing over possession and annex the same with the charge sheet.

Dated:16.03.2026.

(S.A.S.M. Ali)
Additional Sessions Judge,
Wardha.

C E R T I F I C A T E

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

(Prashant U. Kawde)
Stenographer