

ORDER BELOW EXH.2

1. Perused the application and the documents filed along with it.
2. The learned A.P.P. by filing say objected the application. It is submitted that, prima facie offence is made out under sections 65(e), 77(a), 83 of Maharashtra Prohibition Act against applicant/accused. They used seized vehicle and thereby by committed the alleged offence, huge quantity of liquor found in his possession. There is a possibility to commit same type of offence by using said vehicle. Hence lastly, she submitted to reject the application.
3. The applicant has produced following verified documents :-
 - Copy of Aadhar Card
 - Copy of R.C.Book
4. The document of vehicle i.e., copy of R.C.Book shows the description of the vehicle. It shows the name of present applicant. In view of the document on record, prima-facie the applicant appears to be the owner of the seized four wheeler I20 Sportz of Hyundai Company bearing registration no.MH-12-HN-3001.
5. The learned A.P.P. has objection to handover the possession of seized vehicle. As the charge-sheet is filed, it can be said that investigation is completed. In this situation, no purpose would be served by keeping the seized vehicle in the police station. The possibility of the damage to the seized vehicle can not be ruled out, if kept lying in the police station. Moreover, ownership is not decided by this application. As the objection of learned A.P.P. is concerned, it will be proper to impose strict conditions while

releasing the vehicle.

6. Considering this situation and by referring the documents on record, the applicant is entitled for the possession of the seized four wheeler I20 Sportz of Hyundai Company bearing registration no.MH-12-HN-3001. Moreover, by way of this application, the temporary custody of seized vehicle is given. In the result following order is passed :

ORDER

1. The application Exh.2 is allowed.
2. The applicant Dipak Sahebrao Gawande shall furnish to the investigating officer two self attested coloured photographs of the seized vehicle for the purpose of the identification. The investigating officer shall facilitate the photographs.
3. The applicant shall produce the vehicle as and when directed by the Court.
4. The applicant shall not change the nature of vehicle, so also shall not alienate and shall not use the vehicle for any offence by himself or by another.
5. The applicant shall execute a Supurtnama bond before Court binding himself abide by the above conditions No.3 and 4 and in default to forfeit amount Rs.2,00,000/- (Rupees Two Lacs Only), to the Government.
6. After execution of the Supurtnama bond and furnishing colored photographs by the applicant, the investigating officer shall handover the custody of four wheeler I20 Sportz of Hyundai Company bearing registration no.MH-12-HN-3001 to the applicant.
7. Issue copy of this order to the investigating officer for its compliance.

Place : Wardha
Date : 28/03/2025

(Kum.L.H.Jadhav)
Judicial Magistrate F.C.
[Ct.No.2), Wardha.