



Order below Exhibit No.01

(Dated : 16/03/2026)

Present application is filed under section 503 of The Bharatiya Nagarik Suraksha Sanhita (hereinafter referred to as BNSS) seeking interim custody of vehicle Maruti Suzuki Alto LXI bearing registration no. MH-35-M-0838 which is seized in Crime No. 471/2025 for the offence punishable under Sections 65(a)(e), 77, 80, 81, 83, 90 and 108 of the Maharashtra Prohibition Act.

2] The applicant submits that, he is the owner of seized vehicle involved in the present crime. He needed seized vehicle for his daily use. If the seized vehicle kept idle in Police Station, then, its parts will get damaged. He is ready to abide by all the conditions imposed by the Court. Hence, present application.

3] Perused application and say of State Excise Department and A.P.P. Heard both sides. Learned A.P.P. and State Excise Department have opposed the prayer and requested to reject the application.

4] The learned APP has submitted that, the alleged vehicle were used by accused for illegally transporting liquor which is prohibited within the jurisdiction of Wardha district. That if the vehicle is release on supratnama, their might be possibility that accused will commit same kind of offence again. Hence, prayed to the reject the application.

5] The say of State Excise Department, objected to the present application on the ground of the alleged vehicle was seized from the possession of accused/applicant during commission of an offence. If seized vehicle is released on supratnama it may be possibility to commit another offence can not be ruled out. Hence, prayed to the reject the application.

6] It is to be noted that, the application is supported with an affidavit. In support of his claim, the applicant has filed following documents.

- i) a copy of FIR
- ii) a verified copy of R.C.Book.
- iii) a verified copy of Aadhar-card of applicant

7] As per section 503 of B.N.S.S., whenever the seizure of property by any police officer is reported to a Magistrate under the provisions of this Code, and such property is not produced before a Criminal Court during an inquiry or trial, the Magistrate may make such order as he deem fit respecting the disposal of such property or the delivery of such property to the person entitled to the possession thereof by imposing certain conditions.

8] In the matter of **Sunderbhai Ambalal Desai Vs. State of Gujrat reported in AIR 2000 (SC) 638**, the Hon'ble Supreme Court in para No. 17 held as -

“ in our view whatever is the situation, it is of no use to keep the seized vehicle at that police station for a long period. It is for the Magistrate to pass appropriate order by taking appropriate bond and guarantee as well as security for return of the seized vehicle, if

required at any point of time. This can be done pending hearing of the application for return of the seized vehicles” .

9] It is to be noted that, on the perusal of the verified copy of R.C.Book it appears that, the seized vehicle is standing in the name of applicant. So also, on perusal of the Aadhar-card it appears that in the name of same person. Hence, considering the facts in hand and observation of the Hon'ble Supreme Court in matters of ***Sunderbhai Desai*** cited supra, there is no legal impediment to this court to hand over the interim custody of seized vehicle in favour of applicant. The seized vehicle, if kept in open premises of police station definitely sustain damages. No purpose will be served by keeping the seized vehicle as stationary. No one except the applicant came forward for the interim custody of the seized vehicle. He is ready to abide by the terms and conditions imposed by the court. Therefore, the applicant seems to be a fit person to hand over interim custody of the seized vehicle. Therefore, the application deserves to be allowed on following conditions. Hence, the order.

ORDER

- 1) The application is allowed.
- 2) The interim custody of vehicle Maruti Suzuki Alto LXI bearing registration no. MH-35-M-0838 which is seized in Crime No. 471/2025 registered with State Excise Department, Wardha, be handed over to the applicant on executing Indemnity Bond of Rs. 1,00,000/- (Rupees One Lakh only) before the police.

- 3) The concerned State Excise Department, Wardha, is directed to verify the ownership and insurance policy and released the vehicle after duly verifying the insurance paper.
- 4) Applicant is hereby restrained from changing the nature or color of vehicle till final decision of the case.
- 5) Applicant is hereby restrained from alienating the vehicle by any means till the decision of the case.
- 6) Applicant is directed to bring the vehicle in Court whenever asked by Court or the authority.
- 7) Applicant is also restrained from using or permitting to use said vehicle in any illegal activity or crime in future.
- 8) State Excise Department, Wardha, is directed to make a detail panchanama and to take the photographs of the vehicle at the expenses of applicant and to submit said panchanama and photographs with charge-sheet in the Court.

Date : 16/03/2026

[S.R.Satbhai]
Judicial Magistrate, First Class,
Seloo.