

**ORDER BELOW EXH. 3 IN S.C.C. No. 67/2024**

1. This is an application filed by the applicant/accused No.1 Ram Bharat Marbate for grant of custody of Hero Passion Motorcycle bearing registration No. MH-40-AW-4628 specifically mentioned in para-1 of application, which is seized by, Police Station Karanja, Tq. Karanja in Crime No. 566/2023 in connection with the offence punishable under sections 65(b)(c) (f), 83 of Bombay Prohibition Act.

2. It is the contention of the applicant that, said vehicle is seized from his possession and hence he is owner of the above said vehicle. Further, vehicle is necessary for his daily work and if the vehicle is kept stationary, it would cause damage. Accordingly, it is submitted by the applicant that custody of the vehicle be handed over to him.

3. The learned APP has filed say and contended that investigation is in progress and if vehicle is released he might commit similar type of offence. Hence, he prayed for rejection of application.

4. Perused the record. The applicant has on oath contended that, he is the owner of above said motorcycle. Further, he has filed verified copy of R.C. Book, copy of Agreement of said vehicle and Aadhar card. Further, from the R.C. Book, it is evident that the vehicle is registered in the name of Dinesh Gangadhar Bawane. Further, from the Agreement dated 21/11/2023, it is evident that, Dinesh has sold said vehicle to the present applicant/accused. After perusing the chargesheet it reveals that present vehicle is seized from the applicant/accused. So considering the submissions and documents

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filed on record, it becomes *prima facie* clear that, the applicant is possessor of Hero Passion Motorcycle bearing registration No. MH-40-AW-4628.

5. Considering the nature of crime and the fact that, above vehicle is automobile, if the vehicle is kept stationary it will diminish its value. So no purpose will be served by keeping the vehicle lying with the police. So, I am of the view that, it would be proper to hand over the custody of the aforesaid vehicle to the applicant on certain terms and conditions to secure the presence of vehicle. Hence, following order -

**ORDER**

1. Application is allowed.
2. Applicant to execute Suprutnama bond of Rs.50,000/- (Rs. Fifty thousand only) with incorporating the following terms and conditions :-
  - a) Applicant to keep the Hero Passion Motorcycle bearing registration No. MH-40-AW-4628 in proper condition and not to dispose of it in any manner.
  - b) Applicant to produce above vehicle as and when directed by the Court.
  - c) The investigating officer is hereby directed to obtain photographs of the above said vehicle alongwith the detail panchnama while handing the custody of the property to the applicant.
  - d) Investigation Officer is directed to produce photographs, panchnama in present matter.
  - e) Applicant is directed that, not to use said vehicle in any kind of illegal activity.

Place : Karanja (Gha.)

Date : 13/05/2024

**(V.S. Wagh)**

Judicial Magistrate First Class,  
Karanja (Gha.), Dist. Wardha.