

CNR No. MHWR090001352026
O.M.C. No. 11/2026
Ankush Nehare -Vs- State
Order below Exh No.1



Presented on :- 26/02/2026
Registered on :- 26/02/2026
Decided on :- 01/04/2026
Duration :- YY. MM. DD.
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**IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS, KARANJA
GHADAGE**

(Presided Over by Smt Diksha D. Vighne)

O.M.C No. 11/2026

Mr. Ankush Nilkanthrao Nehare,
Age :- 37 years, Occ. Labour,
R/o. Karanja Gha.,
Tq.-Karanja Gha., Dist.-Wardha.

... **APPLICANT**

-VERSUS-

State of Maharashtra,
Through Police Station Officer,
Police Station, Karanja Gha.
Tq.-Karanja Gha., Dist.-Wardha.

... **NON-APPLICANT**

Appearance :-

For the applicant : Learned advocate Shri. S. P. Kadwe
For State : Learned Spl. APP Shri. M. S. Chandore

ORDER BELOW EXH NO. 01

(Passed on 01/04/2026)

This is an application filed by the applicant under Section 503 of Bhartiya Nagarik Suraksha Sanhita, 2023 for releasing two wheeler HONDA Shine bearing registration No. M.H.-32-AV-7521 on supratnama.

2] The applicant contended that he is registered owner of seized

vehicle. Police Station Karanja Gha. has seized the aforesaid vehicle in crime No.33/2026 for the offence p/u/s 65(e), 65(a) of Bombay Prohibition Act, r/w, 3(1), 181, 130, 177 of MV Act and. Applicant further contended that if seized vehicle lies in the premises of Police Station Karanja Gha. for a longer time, then possibility of damaging its part cannot be ruled out. Applicant undertakes to abide each and every conditions likely to be imposed by this Court against him. Hence, this application.

3] The applicant in support of this application has filed some documents such as copy of R.C. Book, copy of Aadhar card of applicant and copy of F.I.R.

4] After receipt of this application, this court had called say of Ld. APP and Police Station Karanja Gha. Police Station Karanja Gha. has filed say and stated that seized vehicle has direct involvement in this offence. Accused has not produced any document of vehicle to the police station. As well as, if vehicle is released on supurtnama then possibility of using this vehicle again for commission of similar offence can not be ruled out. Hence, prayed for rejection of this application.

5] Learned A.P.P. has vehemently stated that seized vehicle had been used by the accused for commission of an offence. If seized article will be released then possibility of hamper or tamper or its alienation in any manner can not be ruled out. Further, there is possibility of its again used for the commission of other similar offence. Therefore, they may not produced the seized vehicle as and when required. Hence, she has prayed for rejection of this application.

6] Perused the documents. It reveals that, the applicant is the owner of HONDA Shine bearing registration No. M.H.-32-AV-7521, Though, the vehicle was seized from the possession of accused in the said offence, it is not hurdle to release the said vehicle u/s 503 of BNSS Because at this stage this Court is not deciding a final question of custody. Only question of interim custody is to be decided. As well as, it is not the

case of police and prosecution that the seized vehicle will be produced as evidence in this offence. If so, in such event the secondary evidence regarding seized vehicle may be produced. Therefore, considering the application along with document of ownership i.e. Registration Certificate in the name of applicant, prima facie it appears that applicant is the owner of said vehicle. Considering this reasons, I hold that applicant is entitled for custody of said vehicle.

7] Applicant is entitled for its interim custody till disposal of trial tried by this court after filling charge-sheet in crime No.33/2026 by police station Karanja Gha. The trial is yet to begin. It will take its own time. Till then if vehicle lies in the custody of a police station then possibility of damaging its parts can not be ruled out. If such thing has happened then the applicant will face the financial loss. Therefore, not going into merit at this stage, only question of interim custody is going to decide at this stage. Therefore considering aforesaid reasons I hold that application is entitled to be allowed. Hence, I pass following order.

ORDER

- 1] The seized two wheeler HONDA Shine bearing registration No. M.H.-32-AV-7521 shall be handed over to applicant until further order, on the execution of indemnity bond of Rs.1,00,000/- (Rs. One Lakh only).
- 2] Applicant is directed to furnish valid insurance of vehicle before investigating officer at the time of taking possession of aforesaid vehicle.
- 3] The Investigating Officer is directed to take photographs and prepare panchanama.
- 4] The applicant is directed to undertake that, he shall not sell or transfer the released property without the prior permission of this court.

- 5] The applicant shall undertake that he shall not change the colour, size or other features of the vehicle and to maintain and preserve the vehicle in all respects.
- 6] The applicant shall undertake to produce the said vehicle as and when required by Investigating Officer, Police Station Karanja Gha. or after filing of charge-sheet, before the Court.
- 7] The applicant is directed to furnish the said indemnity bond before Investigating Officer, Police Station Karanja Gha.
- 8] The Investigating Officer is directed to attach the said panchanama, indemnity bond etc. with the charge-sheet.
- 9] Applicant should not use the same vehicle in any other offence, if found then vehicle will not be release in subsequent offence.
- 10] Accordingly, application is disposed of on aforesaid terms.

Date: 01/04/2026

(Diksha D. Vighne)
Judicial Magistrate First Class,
Karanja Gha.