



Cri. M.A. No. 3495/2026
Pravin V/s State

ORDER BELOW EXH-01
(Passed on 18.07.2026)

This is an application seeking interim custody of Bajaj Companies Three Wheeler Auto Rikshaw Registration No. MH – 12-VW-9762 Chesis No. MD2B47AX5RWL35308 and Engine No. AZXWRL19921, which came to be seized in Crime No. 128/2026, registered by Flying Squad Excise department Pune for the offence punishable under section 65(a)(e), 81, 83, 90, 103, 109 of Maharashtra Prohibition Act, 1949 and Sec. 123 of BNS.

02 Read application, say filed by learned A.P.P. on overleaf of this application and say of Investigation officer filed on record. Heard Ld. Adv. for applicant/accused and Ld. A.P.P. Shri. Adagale for state.

03 I.O. has submitted that the offence is serious one and investigation is in progress. Upon secret information the prohibition raid is conducted on dated 09.04.2026 Crime No. 128/2026 was registered against applicant namely Pravin Vasantrao Gaikwad R/o. Hingane Colony, Karveroad, Pune under section 65(a)(e), 81, 83, 90, 103, 109 of Maharashtra Prohibition Act, 1949 and Sec. 123 of BNS. The said Three wheeler Auto is seized from applicant for investigation purpose. If the Auto is

released, there is possibility of change in physical structure and committal of similar offence. The alleged vehicle is kept in a safe condition, so there is no possibility of damage to it. So they prayed for rejection of application.

04 The Ld. A.P.P. also submitted that, the seized property is directly involved in said crime and it is used by the accused for the commission of said crime, thus it is an important evidence against the accused. Hence if it released then there is every possibility to use it for the same kinds of offences and it be sold or change its nature, therefore, said application. So they prayed for rejection of this application.

05 Considering submission and nature of case it is contended by the applicant that, he is the owner of the said property. He is ready to abide by all the terms and conditions which would be imposed by this court. In support of this application, the applicant has produced copy of FIR in crime no.128/2026, copy of R.C. book, copy of his license, copy of his Adhar Card. All the documents are verified from original documents. The contents of documents prima facie reveals that the applicant is the owner of above claimed seized Vehicle. Moreover the applicant accused is only seeking custody of vehicle and not seeking custody of seized liquor or any other substance.

06 The claimed seized Vehicle is kept in open Court-yard of police station and the possibility of damage to it cannot be ruled out, if it is kept idle for a long time, except applicant no other person has claimed the seized property. Moreover though

the quantity of seized liquor or substance is huge, but it is not the case of prosecution that the applicant/accused is the owner of it. It appears that the applicant/accused only transport the alleged substance. The apprehensions expressed by Id. A.P.P. and I.O. can be preserved and protected by imposing proper terms and conditions. Keeping the above said vehicle lying in the police station would not serve any purpose. In case of, ***Sundarbhai Ambalal Desai & C.M.Mudaliar Vs. State of Gujrat AIR 2003 SC 638***, it is held that, it would be justifiable to hand over the seized vehicle to the applicant during the pendency of the trial.

07 On the contrary seized Vehicle may be damaged, if it is kept at police station for a long period, till the conclusion of investigation and trial. The investigating agency make it details of above said vehicle by preparing its detailed panchanama. Therefore, considering all the circumstances and as the applicant is ready to abide all the conditions imposed on him, the interim custody of the said vehicle may be given to the applicant on certain conditions. Hence, I pass the following order.

ORDER

1. The application is allowed, with direction, condition and intimation to accused/applicant not to commit similar offence in future.
2. Bajaj Companies Three Wheeler Auto Rikshaw Registration No. MH – 12-VW-9762 Chesis No. MD2B47AX5RWL35308 and Engine No. AZXWRL19921, which came to be seized in Crime No. 128/2026, registered by Flying Squad Excise department Pune, be released in the name of applicant

Pravin Vasantao Gaikwad R/o. Hingane Colony, Karveroad,
Pune on execution of his indemnity bond of Rs. 1,25,000/-
(Rs. One lakh twenty five thousand only).

3. Applicant is directed not to create any sort of third party interest or alienate the said vehicle and muddemal in any manner till final disposal of the case.
4. Applicant is further directed not to make change in physical appearance of the said vehicle till final disposal of case.
5. Applicant is further directed to produce the said vehicle and muddemal when required by the court during the course of trial.
6. Applicant to produce the photographs of the aforesaid muddemal, on record for identification purpose.
7. The I.O. is directed to prepared detailed panchanama of the said muddemal and submit the same along with charge sheet.
8. Issue letter to concern police station accordingly.
(Hamdast is allowed.)

Sd/-

(Prajkta B. Patil)
Judicial Magistrate (F.C.),
Court No.3, Pune

Date : 18.07.2026

CERTIFICATE

I affirm that the contents of this P.D.F. File Judgment/Order are same word to word, as per the original Judgment/Order.

Name of the Stenographer	: P. P. Khair (Stenographer L.G.)
Name of court	: C.J.J.D.& JMFC Court No.3, Pune
Date	: 18.07.2026
Judgment/Order signed by the Presiding Officer	: 18.07.2026
Judgment/Order uploaded on	: 18.07.2026