

Criminal Misl. Application No. 88/2026

GANG060012702026



ORDER BELOW EXHIBIT C-1

(Delivered on 21st day of August, 2026)

This is an application for release of vehicle under section 503 of Bhartiya Nagarik Suraksha Sanhita, 2023 (BNSS).

2. It is the case of the Applicant that the Respondent attached Applicant's vehicle make PRO 2118 XP Plus H HSD BSVI (tempo) vehicle of VE Commercial Vehicles Ltd, new golden

colour, bearing Registration No.MH-45-AX-3706, Chassis number MC2EVHRC0TA244271, engine/motor number E426CDTA509780, for alleged involvement in case no. EXC/PER/2026-27/02 for offences under Section 5 & 8 r/w Rule 19 of Goa Excise Duty Act 1964 and Rule 1964.

3. It is submitted on behalf of the Applicant that the above said vehicle is the source of livelihood of the applicant and also there is high possibility of the vehicle being rendered inoperative and decrepit due to corrosion and other factors if kept unused in the custody of respondent no. 1 and hence the same is required to be handed over to the applicant. It is submitted that due to arbitrary attachment of the above described vehicle the Applicant has suffered lot of discomfort and mental stress. It is submitted that the Applicant shall abide by the Order and any conditions that shall be imposed by the Court for the release of the said vehicle. It is therefore prayed that the said vehicle be released to the Applicant.

4. Say of the Investigating Officer was called for. The Investigating Officer has filed say (Exhibit C-5) stating that on 28.07.2026 at about 09.30 p.m. the Excise Sub- Inspector Shri. Lakshdeep Kunkholiekar, attached to the Excise Outpost, Naibag, Pernem Goa, while on routine duty detained a vehicle bearing registration no. MH-45-AX-3706 tempo of make Eicher Pro 2118, golden brown colour. The Excise inspector Shri. Lakshdeep Kunkholiekar, inquired about the goods he was carrying in the said vehicle with the driver of the vehicle Shri. Dnyaneshwar Dharma Unhale, s/o. Dharmaraj, r/o. Pokharapur, Solapur, Maharashtra, 413248, to this driver informed that the vehicle is loaded with about 200 bags of rice husk to be delivered at Pune, Maharashtra. Being not satisfied with the reply of the driver a search was conducted of the vehicle by Shri. Lakshdeep Kunkholiekar, Excise Sub Inspector along with other staff on the checkpost. Upon search below mentioned liquor goods which were hidden behind the rice husk bags were found in the said vehicle i.e.1) Real vodka 45 cases X 12X 750 ml having MRP of Rs.110/- batch no. 30 Mfg date may 2019 distilled blended & Bottled by Real Food Exporters Private

Limited, Baingunim, old Goa, 2) Reals Choice Apple Vodka 25 cases X12X 750 ml, having MRP of Rs. 110/- batch no. ATE22002 Mfg. date June 2022 blended and bottled by Real Food Exporters Private Limited, Baingunim, Old Goa, 3) Reals XXX Rum 55 cases X 12X 750 ml, having MRP of Rs. 150/- batch no. ATB240J Mfg. date April 2024, Blended and Bottled by Real Food Exporters Private Limited, Baingunim, Old Goa, and 4) Old Bill Extra Special Whisky 125 case X 12X 750 ml, having MRP of Rs. 125/- , Batch No. AME26063 Mfg. date June 2026, Blended and bottled at Blue Ocean Beverages Private Limited, Sao Jose De Areal, Salcete Goa,

5. It is further submitted that the Excise Inspector requested the driver to show valid documents and permit for the transportation of the said liquor goods for which he replied that he does not have any valid document and permits for the transportation of the said liquor goods. Upon inquiry the driver of the vehicle informed that after loading above said 200 bags of rice husk the vehicle was handed over to him at Dhargal, Pernem Goa, by one of his friends from Pune and he was unaware about

the liquor loaded in the vehicle and that he had visited first time to Goa with consignment of vegetable at Mapusa Market. However he could not tell the name of his friend.

6. Further on search of the vehicle a xerox copy of the RC book of the vehicle was found and on inquiry with the driver he disclosed the name of the owner of the vehicle as Shri. Bapu Dashrath Waghmare, s/o. Dasharath r/o. A/p Surli Road Tembhurni, Tal Madha, Solapur, Maharashtra, 413211. After conducting personal search of the driver a xerox copy of aadhaar card bearing no. 892385921466 mentioned name as Shri. Dnyaneshwar Dharma Unhale, s/o. Dharmaraj r/o. Pokharpur, Solapur, Maharashtra, 413248 was found.

7. It is submitted that the driver of the vehicle Dnyaneshwar Dharma Unhale s/o. Dharmaraj, Solapur, Maharashtra, 413248, was found illegal possession of liquor goods and non payment of Excise fees, thus violating the provisions of the Goa Excise Duty Act and Rules 1964. Hence a case is booked against the driver of vehicle Shri. Dnyaneshwar Dharma Unhale and the

owner of the vehicle Shri. Bapu Dasharath Waghmare, for illegally transporting liquor, illegal possession of liquor and non payment of Excise fees of the Goa Excise Duty Act and Rule 1964. The accused person is arrested and taken into custody for further investigation purpose and was released on furnishing of bail bond. Hence it is prayed the said vehicle bearing registration no. MH-45-AX-3706 tempo of make Eicher Pro 2118 Golden brown colour, may not be released, as the respondent no.1 requires time for further investigation in the matter.

8. Perused the records and heard Ld. Advocate Shri. P. Korgaonkar for the Applicant and Ld. APP Shri. C. Dalvi for the Respondent.

9. It is not disputed that the said vehicle belongs to the Applicant. Applicant has also produced on record copies of Certificate of Registration and Insurance policy papers pertaining to the said vehicle and copy of his Aadhar card.

10. Though it is stated in the reply (Exhibit C-5) that respondent no. 1 requires time for further investigation, the Respondent has failed to state the nature of investigation for which the said vehicle is required. A mere statement that that respondent no. 1 requires time for further investigation is not sufficient to reject the present application. Respondent has also not produced any document in support of their reply. Admittedly, the Respondent has also seized the alleged liquor goods and has taken it into their custody.

11. In the Judgement of ***Sunderbhai Ambalal Desai V/s. State of Gujarat passed by the Hon'ble Surpreme Court of India***, it has been observed that *"it is of no use to keep such seized vehicles at the Police Station for long period. It is for the Magistrate to pass appropriate Orders immediately by taking appropriate Bond and Guarnatee, as well as Security for return of the said vehicle, if required at any point of time"*. In view of the above Judgement and considering the documents on record, I find no reason to reject the present application as far as release of

vehicle is concerned. The reasons stated in the reply are not sufficient to reject the present application.

12. I therefore pass the following Order: -

ORDER

1). Application is allowed. The vehicle make PRO2118XP Plus H HSD BSVI (tempo) vehicle of VE Commercial Vehicles Ltd, new golden colour, bearing Registration No.MH-45AX-3706, chassis number MC2EVHRC0TA244271, engine/motor number E426CDTA509780, which has been attached by the Respondent the Excise Department, Pernem Goa, in case no. EXC/PER/2026-27/02 for offences under Section 5 & 8 r/w Rule 19 of Goa Excise Duty Act 1964 and Rule 1964, is released to the Applicant on interim basis, upon executing an Indemnity Bond of Rs. 23,00,000/- subject to the following conditions: -

- a) The Applicant shall produce the said vehicle before the Court and/or any other authority, as and when directed by the Court and/or any other authority.

- b) The Applicant shall not sell, transfer or alienate the said vehicle in any manner, whatsoever, without prior orders of this Court.
- c) The Applicant shall not change the colour of the said vehicle and/or modify its appearance without the prior orders of the Court.
- d) The Applicant shall not use or allow the vehicle to be used for committing any offence.
- e) The Applicant shall keep the vehicle in the road worthy condition.
- f) The Applicant shall co-operate with the investigation.

2). Before releasing the vehicle, the Respondent shall prepare detailed proper panchanama and obtain photographs of the said vehicle clicked from all the sides. A photographer (if any) shall be arranged by the Applicant and all expenses towards clicking, developing and printing photographs shall be borne by the Applicant. Applicant shall also Self Attest every photograph taken. The respondent shall submit compliance report to this Court within 7 days of conducting the said panchanama.

3). Issue necessary letter to the Respondent to release the said vehicle to the Applicant upon the Applicant complying with the condition mentioned at Sr. No.1 and 2 above.

Pronounced in the open Court.

Proceeding closed.

(Ms. Shabnam Pratap Nagvekar)
Judicial Magistrate First Class,
Pernem-Goa

Dated: 21.08.2026

Pernem –Goa.

*vg/-