

ORDER BELOW EXH. 1

- 1) The present application is filed by the applicant namely Parmeshwar Khanduji Jadhav and thereby prayed for return of property i.e. Motorcycle bearing No. MH-21-E-7410 having Engine No. 01B18M11119 Chasis No.01B20C10884 seized by I. O. State Excise Jalna under the panchanama in C. R. No. 138/2017
- 2) Perused the say of the I.O. and the learned A.P.P. The I.O. and the learned A.P.P. have objected to release the vehicle.
- 3) Heard the learned counsel for the applicant and the learned A.P.P.
- 4) The applicant has produced verified copy of R. C. Book (Exh. 08) issued by R.T.O. on record, which shows that the applicant is owner of the Motorcycle. Further it appears from seizure panchnama (Exh. 06) and say (Exh.05) of the I.O. that above vehicle is seized in Cr.No. 138/2017 for the offence punishable under Section 65(a) (e), 80, 81 and 83 of the Bombay Prohibition Act. The applicant is ready to execute and furnish indemnity bond in respect of the custody of the said vehicle. He is also ready to produce the said vehicle before the Court as and when

required. In the circumstances no purpose would be served by keeping the said vehicle lying in the police station. Therefore, it may be returned to the applicant on imposing some conditions. Hence, I pass the following order.

ORDER

- 1) The application is allowed.
- 2) Interim custody of property i.e. Motorcycle bearing No. MH-21-E-7410 having Engine No. 01B18M11119 and Chasis No.01B20C10884 be given to the applicant on his executing Indemnity Bond of Rs.35,000/-
- 3) Before returning the said vehicle, the I.O. is directed to take photographs of the said vehicle, at the cost of applicant, prepare panchanama and produce the same along with charge sheet. He is also directed to place copy of this order with charge sheet.
- 4) The applicant shall take interim custody of the said vehicle on following conditions :
 - a) That the applicant shall produce the said vehicle as and when required by the Court.
 - b) That, the applicant shall not sell, alienate, transfer or make any changes in the said vehicle.
- 5) I. O. is directed to take the Indemnity Bond of the applicant and produce the same along with the charge-sheet.

Date – 17/01/2018

Sd/-
(Smt. S.D. Soni)
Judicial Magistrate F.C.
Jalna.

Certificate

I affirm that the contents of this PDF file order are same word to word as per original order.

Name of Steno : G. G. Mitkari Steno L.G.

Name of Court : J.M.F.C. Court Jalna,

Date of PDF : 17/01/2018

Sd/-
Steno