

**Order below Exh.23 in Special Case(NDPS) No.01/2018.**

1. The applicant Abhijit Bhikchand Deore has filed this application u/s. 457 of Cr.P.C. for release of Hundai Eon Magna car bearing registration No. MH-19-BJ/5181 having its chasis No. MALA351ALDM154237 and engine no. G3HADM131931 which was seized by Chandwad Police Station in C.R. No.3047/2017 registered for the offences punishable under Sections 20, 22 and 27 of the N.D.P.S.Act.

2. I have called the say of concerned Investigating officer who has submitted his say vide Exh.26 and submitted that car should not be returned to applicant.

3. I have heard the ld. counsel for applicant and ld. APP at length. Perused the documents filed by applicant and say of Investigating Officer.

4. From perusal of verified copy of registration certificate, it appears that applicant is the registered owner of the seized Hundai car. It further appears from the verified copy of licence that applicant has valid licence to drive the car. The Investigating Machinery has though submitted that it has objection to return the seized car to applicant but no purpose would be served by keeping the said car in the police station. Applicant is not the accused. Considering the fact that applicant is the registered owner of the seized car, I am inclined to pass the following order.

**Order**

1/- Application is allowed.

2/- The Hundai Eon Magna car bearing registration No. MH-19-BJ/5181 having its chasis No. MALA351ALDM154237 and engine no. G3HADM131931 which was seized in CR No.3047/2017 of Chandwad Police Station, be released and its custody and possession be handed over to applicant Abhijit Bhikchand Deore on executing his supurtnama bond of Rs.7,00,000/- subject to following conditions.

A) The applicant shall not change or alter the nature of car and shall produce it before the Court as and when ordered.

B) He is further ordered not to sell, transfer, alienate the said car to any third person and shall not mortgage it to anyone.

C) The Investigating Officer is directed to prepare panchanama of the said car before handing over its possession to applicant and shall also capture photographs of it on the costs of applicant and he is further directed to file the supurtnama bond along with panchanama and photographs in the charge-sheet filed in the said offence.

Niphad.  
22.03.2018.

( R. G. Waghmare ),  
Additional Sessions Judge,  
Niphad.