

**Order Below Exh.No.1 in Cr.M.A.No. 01/2018**

1] This is an application filed by applicant for release of Passion Pro motorcycle of Hero Motocorp bearing registration No. MH-34-AY-6804 seized by Maregaon Police Station in C.R. No.354/2017 registered u/s 65 (f) of Bombay Prohibition Act, on the ground that he is lawful owner of the motorcycle. It is contended that, the police have seized the motorcycle for the purpose of investigation. He required said motorcycle for day to day activities. If the said motorcycle kept lying in the police station, damage will be caused to the motorcycle. Hence, he filed this application to get interim custody of the motorcycle.

2] Say of I.O. and learned A.P.P. was called. I.O. has filed his say at Exh.6 and admitted seizure of said motorcycle in this crime. The I.O. submitted that this vehicle was used in this crime and there is possibility that same vehicle will be used in future for same offence. On above ground they prayed to reject the application.

3] Perused record, say and various documents filed on record. I.O. has admitted seizure of said motorcycle in this crime. The applicant has filed copy of R.C. Book . On it's perusal, it reveals that the applicant is owner of the motorcycle in question. Presently, the motorcycle is lying in police station in open condition and therefore it may cause damage due to atmospheric conditions. Further applicant required said vehicle for his day to day activities.

4] The said motorcycle is not claimed by any other person. Further the applicant is ready to abide any term and condition imposed upon him. At present applicant being registered owner appears to be entitled to the custody of the seized motorcycle. More so, at this juncture, as we have to consider only interim custody and not the final custody and therefore, there is no hesitation to hand over the interim custody of the motorcycle to the applicant.

5] Considering the above facts, the applicant is entitled to get interim custody of the motorcycle. The apprehension of I.O. can be cured by imposing certain stringent conditions. With this, I proceed to pass following order.

**ORDER**

- 1] The seized property Passion PRO of Hero Motocorp company bearing registration No. MH-34-AY-6804, Engine No. HA10EVGHA30229, Chassis No.MBLHA10BSGHA28939 in C. R. No. 354/2017, registered with Maregaon Police Station be returned to applicant namely Sanjay Sitaram Jivtode. Resi. Pewara Tq. Bhadravati, Dist. Chandrapur.
- 2] Applicant shall furnish indemnity bond of Rs.50,000/- (Fifty Thousand only) before the court.
- 3] The applicant shall not sell, transfer, convert or modify the said motorcycle in any manner which may prove detrimental to the case arising out of C.R.354/2017.
- 4] Applicant to take care that the vehicle should not be involved in any kind of offence in future.
- 5] The I.O. shall take four corner photographs of said motorcycle at the cost of applicant.
- 6] Investigation Officer shall submit further proceeding undertaken in respect of said motorcycle within 15 days of this order.
- 7] Inform the concerned Police accordingly.

Date : 09/01/2018  
Maregaon.

(Ashish D.Waman)  
Judicial Magistrate, F.C.,  
Maregaon.