



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH AT NAGPUR**

**CRIMINAL WRIT PETITION NO.558/2026**

**Premchand S/o Pitambar Wasekar**

**...Versus...**

**State of Maharashtra, Through P.S.O., Police Station, Chamorshi, Tah.**  
**Chamorshi, District Gadchiroli**

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders or directions  
and Registrar's orders  
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Court's or Judge's orders

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Mr. S.S. Taram, Advocate for petitioner  
Mrs. R.V. Sharma, APP for respondent  
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**CORAM : MEHROZ K. PATHAN, J.**

**DATE : 11/08/2026**

1. The petitioner has approached this Court challenging the order dated 10/03/2026, passed by the learned Ad-hoc District Judge-1 & Additional Sessions Judge, Gadchiroli in Criminal Revision Application No.11/2026, by which the learned Revisional Court has dismissed the revision filed by the petitioner, owner of the Mahindra Thar vehicle against the order dated 02/02/2026, passed by the Judicial Magistrate First Class, Chamorshi in Criminal M.A. No.11/2026, wherein applicant had sought release of the vehicle i.e. Mahindra Thar, bearing registration No.MH/33/AD-3666 seized in Crime No.528/2026 registered for the offence punishable under Section 65 of the Maharashtra Prohibition Act, 1949.

2. Mr. Taram, learned Counsel for the petitioner submits that the petitioner is the owner of the vehicle and is not even added as an accused in the said crime. The petitioner has

handed over the said vehicle to one of his friends, who had illegally transported the contraband liquor, which was seized during the patrolling operation carried out by the Police Authorities. The petitioner is ready to submit P.R. Bond for release of the vehicle. The petitioner is not even arrayed as an accused in the said crime and this shows that the petitioner was not part of the alleged conspiracy hatched by the accused persons to transport the illicit liquor in the said vehicle. The petitioner is not having any criminal antecedents and is ready to abide with the conditions that may be imposed by this Court while releasing the vehicle on Suprutnama. The applicant is further ready to show his *bona fides* by depositing an amount of Rs.1,00,000/- and an undertaking that if the vehicle is seized in identical offences then the amount would be forfeited by the learned Trial Court.

3. Mr. Taram, learned Counsel for the petitioner further relies upon the judgment of this Court at Aurangabad Bench delivered in Criminal Writ Petition No.7/2026 on 03/02/2026, wherein in the identical facts, this Court has released the vehicle to the owner, on the ground that the owner was not an accused in the crime, registered for transportation of illicit liquor. Hence, applying principle of parity, the petitioner is also entitled for release of the said vehicle in his favour. He, therefore, prays for quashing and setting aside the order passed by the Revisional Court as well as Judicial Magistrate First Class, Chamorshi, rejecting application filed by the present petitioner for release of vehicle.

4. Mrs. Sharma, learned Additional Public Prosecutor for the respondent strongly opposes the present petition on the ground that the petitioner has indulged himself into illegal transportation of the illicit liquor. An offence came to be registered under Section 65 of the Bombay Prohibition Act, wherein huge quantity of illicit country liquor valued at Rs.62,400/- was seized during the raid operation carried out by the Police Authorities. Two persons found at the spot, were arraigned as accused and the vehicle Mahindra Thar bearing registration No.MH/33/AD-3666 was seized. The petitioner is the registered owner of the said vehicle. The said vehicle was earlier also found to be involved in Crime No.107/2025, registered with the same Police Station, wherein the petitioner had earlier filed an identical application for release of vehicle on the ground that he is the owner of the vehicle and was not arraigned as an accused. The vehicle was earlier released in favour of the petitioner, subject to the condition that it would not be used again for the commission of a similar offence. However, the vehicle Mahindra bearing registration No.MH/33/AD-3666 was once again found involved in a similar offence i.e. present crime. Consequently, the application moved by the present petitioner came to be rightly rejected by the learned Judicial Magistrate First Class. The learned Revisional Court has also applied its mind to the fact that the petitioner, after release of the vehicle, had again allowed the said vehicle to be used for illegal transportation of liquor and therefore, had rightly dismissed the revision filed by the petitioner. The impugned orders are just and proper and are liable to be maintained. The learned Additional Public

Prosecutor Mrs. Sharma, therefore, prays for rejection of writ petition.

5. I have gone through the First Information Report as well as order dated 02/02/2026, passed by the Judicial Magistrate First Class, Chamorshi in Criminal M.A. No.11/2026. I have also gone through the judgment dated 10/03/2026, passed by the learned Ad-hoc District Judge-1 & Additional Sessions Judge, Gadchiroli in Criminal Revision Application No.11/2026.

6. Perusal of the record shows that the said vehicle was earlier used in the illegal transportation of the illicit liquor and Crime No.107/2025 came to be registered with Chamorshi Police Station. The petitioner has moved identical application for release of the vehicle and vide order passed in Criminal M.A. No.64/2025, the earlier application came to be allowed, releasing the vehicle in favour of the petitioner, wherein the condition was imposed that vehicle shall not be used in an identical offence.

7. The said vehicle owned by the present petitioner is found to be again involved in the identical offence of transportation of illicit liquor. This Court, in its judgment in the case of *Barikrao Somnath Chandanshive Vs. The State of Maharashtra, (Criminal Writ Petition No.7/2026 decided on 03/02/2026)*, has considered the judgment of the Hon'ble Supreme Court in the case of *Bishwajit Dey Vs. State of Assam*, reported in *(2025) 3 SCC 241*, wherein the Hon'ble Supreme

Court was pleased to lay down the guidelines, under which, one criteria was laid down for consideration of release of vehicle viz. where contraband is seized/recovered from a third-party occupant of the vehicle without any allegation by the police that the contraband was stored and transported in the vehicle with the owner's knowledge and connivance, in that event the vehicle can be released. Relying upon the said consideration, as stated in the aforesaid judgment of the Hon'ble Supreme Court in the case of *Bishwajit Dey* (supra), this Court has allowed the application therein.

8. However, in the present case, the said vehicle is found to be involved in earlier offence being Crime No.107/2025 and the vehicle was released on the condition that the same shall not be used for committing identical offence of transportation of illicit liquor vide order passed in Criminal M.A. No.64/2025.

9. Taking into consideration the fact that the petitioner had again allowed the said vehicle to be used for illegal transportation and also taking into consideration the criteria laid down by the Hon'ble Supreme Court in the case of *Bishwajit Dey* (supra) and considering the guidelines laid down by the Hon'ble Supreme Court in the case of *Sunderbhai Ambalal Desai Vs. State of Gujarat*, reported in *2002 (10) SCC 283*, I am of the opinion that it would be expedient to release the vehicle in the possession of the petitioner, however, upon certain conditions. Hence, the following order :-

**ORDER**

(i) The Writ Petition is allowed.

(ii) The vehicle i.e. Mahindra Thar bearing registration No.MH/33/AD-3666 shall be released in the possession of the present petitioner, subject to petitioner depositing amount of Rs.1,00,000/- (Rupees One Lakh Only) before the learned Trial Court, within a period of three weeks.

(iii) Failure on the part of the petitioner to deposit the amount of Rs.1,00,000/- before the learned Trial Court shall result into cancellation of the present order.

(iv) The petitioner shall file an undertaking that if the vehicle is found to be involved in identical offence, the amount of Rs.1,00,000/-, deposited by the petitioner, shall be forfeited without any notice to the petitioner.

**(MEHROZ K. PATHAN, J.)**