

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.
Criminal Appellate Jurisdiction.**

CRIMINAL APPLICATION NO. 4246 OF 2015.

SANJAY PANDURANG PARDESHI.
VERSUS
THE STATE OF MAHARASHTRA.

Appearance =>

Mr. K.S. Bhore, Advocate for the Applicant.

Mrs. Pratibha Bharad, Additional Public Prosecutor for the State of Maharashtra.

CORAM : V.M. Deshpande, J.

DATE : 11th August, 2015.

Per Court :-

Motor vehicle - TATA Magic bearing registration No. MH/17/AG/1473 was seized by the Police machinery in connection with Crime No.III 90 Of 2015 registered with Police Station, Shrirampur, District – Ahmednagar for the offence punishable under Section 65(E) of the Bombay Prohibition Act.

[2] After the vehicle was seized, the present Applicant moved Criminal Misc. Application No.343 Of 2015 under Section 457 of the Code of Criminal Procedure before the learned Magistrate, for release of said vehicle.

Though the said prayer of the Applicant was resisted by the Investigating Officer, the learned Judicial Magistrate, F.C., Court

No.I, Shrirampur, District – Ahmednagar vide his order dated 23rd July, 2015 allowed Criminal Misc. Application No.343 Of 2015 and released the said vehicle in favour of present Applicant on he executing Supurtginama bond of Rs.2,50,000/-. The present Applicant was also directed to furnish bank guarantee of Rs.75,000/-. Also, the learned Magistrate imposed certain other conditions.

[3] Being aggrieved by Condition No.3 in the order dated 23rd July, 2015 - release of vehicle in favour of the Applicant on he furnishing bank guarantee of Rs.75,000/-, the present Applicant is before this court.

Heard Mr. K.S. Bhore, learned counsel for the Applicant.

[4] It is to be noted that, vehicle in question is involved in the offence relating to the Bombay Prohibition Act. The learned Magistrate has taken the correct view in releasing the vehicle; since it would not have serve any purpose by getting the vehicle rusted in the premises of the Police Station. However, it was discretion of the learned Magistrate to put certain conditions, at the time of release of said vehicle.

Nothing is brought on record to show that, conditions as imposed are unwarranted or excessive. In that view of the matter, no exception can be taken. Criminal Application is, therefore, rejected.

(V.M. DESHPANDE, J.)