

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO.8 OF 2017**

Nelson Anthony Vaz

... Applicant

V/s.

The State of Maharashtra

... Respondent

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Mr. R.S. Bidkar for the Applicant.

Mr. A.R. Kapadnis, APP for the Respondent State.

**CORAM : A.S.GADKARI, J.**

**DATE : 22<sup>nd</sup> MARCH 2018**

**PC.:**

1. This is an application for return of vehicle of the applicant namely “Maruti Dezire VDI car bearing reg No.MH 43 AT 2689”. The applicant is an accused in C.R.No.II-103 of 2016 registered with Koparkhairane Police Station, Navi Mumbai under Section 8(C), 20 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as the “NDPS Act”).

2. It is the prosecution case that, the applicant was carrying “Ganja” from the said vehicle on 15.03.2016. The applicant was arrested in the said crime and subsequently released on bail. The said vehicle was seized by the police during the course of the investigation. After completion of the investigation, police have submitted charge-sheet.

3. The learned counsel for the applicant submitted that, the vehicle is lying idle in the premises of the police station. He submitted that, if the said vehicle is released, the applicant will produce the same at the time of trial without any change in appearance.

4. In view of the above and for the reasons mentioned in the application, I am inclined to release the said vehicle by imposing conditions upon the applicant.

Hence, the following order.

The Senior Inspector of Police, Koparkhairane Police Station, Navi Mumbai is hereby directed to release the said vehicle “Maruti Dezire VDI car bearing registration No.MH 43 AT 2689” seized in C.R.No.II-103 of 2016 on the applicant's furnishing a bond in the sum of Rs.1 Lac before the Trial Court alongwith an undertaking that, the applicant will not change the appearance of the said vehicle during the pendency of the trial and will produce the same as and when directed by the Trial Court. That, the applicant shall not sale, mortgage and/or hypothicate the said vehicle during the pendency of the trial.

5. Application is allowed in the aforesaid terms.

**(A.S.GADKARI, J.)**