

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

WRIT PETITION NO. 6863 OF 2019

Balu Natthu Kanjar

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Shri Rakesh Nemichandji Jain, Advocate for the Petitioner.

Shri K. N. Lokhande, A.G.P. for Respondent Nos. 1 to 4.

**CORAM : S. V. GANGAPURWALA AND
MANGESH S. PATIL, JJ.**

DATE : 19TH JUNE, 2019.

FINAL ORDER :

. The petitioner assails the notice dated 06.03.2019 and seeks release of the vehicle.

2. Mr. Jain, the learned advocate for the petitioner submits that, illegally vehicle of the petitioner has been seized. The vehicle of the petitioner is not involved in any illegal activity. The fine amount is also erroneously imposed.

3. The learned Assistant Government Pleader for respondents/State submits that, the vehicle has been seized by the competent authority.

4. We would entertain the petition only to the extent of seizure of the vehicle. As far as relief as against fine and penalty is concerned, the petitioner has remedy of appeal. The petitioner may prosecute remedy of appeal.

5. It would not be in anybody's interest to keep the vehicle idle. The vehicle can be released with certain condition. In view of that, we are inclined to release the vehicle with certain conditions.

6. The respondents shall release the vehicle seized under the panchanama dated 02.03.2019 to the petitioner upon verifying documents of ownership of the petitioner and also on condition that the petitioner deposits Rs. 50,000/- (Rs. Fifty thousands only) with the respondents and executing bond to the satisfaction of the authority. The petitioner shall also produce the vehicle as and when required by the authorities. The deposit of Rs. 50,000/- is without prejudice to the rights of the parties. About the fine and penalty imposed upon the petitioner, the petitioner may prosecute the appeal with regard to fine and penalty.

7. In the light of the above, the writ petition is disposed of. No costs.

[MANGESH S. PATIL, J.]

[S. V. GANGAPURWALA, J.]

bsb / June 19