

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 5998 OF 2019**

Laxman Manik Misal	...Petitioner
Versus	
The State of Maharashtra & Anr.	...Respondents

Mr. Priyal G. Sarda for the Petitioner

Mr. P. H. Gaikwad-Patil, A.P.P for the Respondents-State

CORAM : REVATI MOHITE DERE, J.
WEDNESDAY, 4th DECEMBER 2019

P.C. :

1 Heard learned counsel for the parties.

2 By this petition, the petitioner has impugned the order dated 16th November 2018 passed in Criminal Misc. Application No. 396/2018 by the learned Judicial Magistrate First Class, Indapur, to the extent that it directs the petitioner to deposit half of the valuation of the vehicle in cash and furnish bank guarantee for remaining half amount, which will be valid till conclusion of the trial. Petitioner prays that the said condition be modified and the vehicle be directed to be returned to the petitioner on his personal bond.

3 Perused the papers. On 3rd August 2018, one Indica Vista Car was apprehended on Bawda-Bhandgaon Road, Indapur. In the said vehicle, 540 sealed liquor bottles worth Rs. 1,53,960/- were found, pursuant to which, the petitioner was apprehended and the vehicle as well as the bottles were seized. The petitioner thereafter filed an application seeking return of the property i.e. Indica Vista (four wheeler) bearing registration No. MH-12-FF-0478. He submits that the learned Magistrate allowed the said application, however, imposed a condition that the petitioner shall deposit half of the valuation in cash and furnish bank guarantee for remaining half amount till the conclusion of the trial, which condition is harsh and onerous. He submits that the petitioner is ready to furnish personal bond and is not in a position to either deposit cash or furnish bank guarantee as directed by the trial Court in para 5 clause (2) of the impugned order.

4 The vehicle was seized on 3rd August 2018 and is lying idle and is subject to further deterioration. The condition imposed by the learned Magistrate appears to be harsh and onerous.

5 In this view of the matter, since the petitioner is ready to furnish personal bond instead of depositing cash and bank guarantee, the impugned order to the extent that it directs the petitioner to furnish cash and

bank guarantee is quashed and set-aside. The learned Judicial Magistrate First Class, Indapur, to accept supratnama/personal bond of the petitioner for an amount of Rs. 2,00,000/- and on executing the same, shall release the vehicle as expeditiously as possible and in any event, within two weeks from the date of receipt of this order.

- 6 Rest of the conditions in the impugned order to remain as it is.
- 7 Petition is allowed and is disposed of on the aforesaid terms.
- 8 All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.