

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

WRIT PETITION NO. 952 OF 2020

Sayed Firoz Sayed Moian .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Vishant P. Kadam, Advocate for the Petitioner.
Shri P. G. borade, A.G.P. for Respondent Nos. 1 to 5.

**CORAM : S. V. GANGAPURWALA AND
SHRIKANT D. KULKARNI, JJ.
DATE : 29TH JANUARY, 2020.**

FINAL ORDER :

. Mr. Kadam, the learned advocate for the petitioner submits that, the petitioner had receipt to carry one brass sand. Under panchanama it is stated that, two brass of sand was transported. The learned advocate submits that, the petitioner is ready to pay fine with regard to excess one brass sand.

2. The learned Assistant Government Pleader for respondent Nos. 1 to 5 submits that, the receipt for one brass sand was not produced at the time when the vehicle was seized. Same was produced on subsequent day. However, permission was of the date mentioned on the receipt. The permission of the date when the vehicle was seized was not there, meaning thereby the petitioner had necessary permit to transport one brass sand only.

3. The respondents may levy fine to the extent of one brass sand or may take further steps with regard to fine and penalty as permissible under the provisions of law.

4. The respondents may release the vehicle of the petitioner after accepting the amount of fine of excess one brass sand and may also get the bond executed to their satisfaction. The respondents may confirm the genuineness of the documents and the ownership of the petitioner in respect of the vehicle seized. The payment of the amount would be without prejudice to the rights and contentions of the parties. If fine and penalty is imposed upon the petitioner, the petitioner has remedy to agitate the same in appeal.

5. With aforesaid observations, the writ petition is disposed of. No costs.

[SHRIKANT D. KULKARNI, J.] [S. V. GANGAPURWALA, J.]

bsb/Jan. 20