

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

1041 WRIT PETITION NO.7743 OF 2021

TUKARAM MARUTI NAGARGOJE .. Petitioner
VERSUS
THE STATE OF MAHARASHTRA
THR ITS SECRETARY AND OTHERS ..Respondents

...
Advocate for Petitioner : Mr Mahesh S. Taur
AGP for Respondents/ State : Mr A.S. Shinde
...

**CORAM : S. V. GANGAPURWALA &
R.N. LADDHA, JJ.**

DATE : 30-07-2021

PER COURT : -

1. We have heard the learned Counsel for the petitioner and the learned AGP for the respondents/ State.
2. The learned Counsel for the petitioner submits that, the police authorities have seized the vehicle of the petitioner. No FIR has been lodged against the petitioner. He submits that, the police authorities do not possess authority to seize the vehicle.
3. The learned AGP does not dispute that the police authorities have seized the vehicle of the petitioner.
4. In view of the fact that the police authorities have seized the vehicle without the authority, we pass the following order.

ORDER

(i) The respondents shall release vehicle of the petitioner bearing registration no.MH-24/AU-5197, after confirming the ownership of the petitioner and verifying the documents. The respondents may also get the bond executed from the petitioner to their satisfaction.

(ii) The petitioner shall deposit an amount of Rs.One Lakh with the respondents before the release of the vehicle. Such deposit would be without prejudice to the rights and contentions of the parties and subject to the decision that would be taken by the authority in appeal.

(iii) The petitioner may file an appeal so far as imposition of penalty is concerned.

(iv) If the petitioner does not file an appeal within one month from today, then the respondents would be entitled to recover the entire amount of penalty.

(v) Writ Petition is accordingly disposed of. No costs.

[R.N. LADDHA]
JUDGE

[S. V. GANGAPURWALA]
JUDGE