

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

WRIT PETITION NO. 236 OF 2021

Bharat S/o Damodhar Argade ... Petitioner.

Versus

The State of Maharashtra
and others ... Respondents.

....

Mr. K.D. Jadhav, Advocate for the Petitioner.
Mr. P.K. Lakhotiya, A.G.P. for all the Respondents.

....

**CORAM : S.V. GANGAPURWALA AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 25th FEBRUARY, 2021

PER COURT:-

1. The learned counsel for the petitioners submits that the police authority has seized the vehicle of the petitioner on the ground of illegal transportation of the soil. The penalty is also imposed.
2. So far as the penalty is concerned, the petitioner may avail the remedy of appeal as may be permissible under law.
3. As the F.I.R. has not been lodged against the petitioner or his vehicle and the police authority has seized the vehicle, we pass the following order.

4. The respondents shall release the vehicle of the petitioner seized by the police authority as prayed by the petitioner upon confirmation of the ownership of the petitioner and verification of the documents. The petitioner shall deposit an amount of Rs. 1,50,000/- (Rupees One Lakh Fifty Thousand only) with the respondents prior to the release of the vehicle. The said deposit of amount shall be without prejudice to the rights and contentions of either of the parties and subject to the decision that would be taken by the appellate authority in an appeal that would be filed by the petitioner against the order of penalty. If the petitioner does not file an appeal against the order of penalty within a period of one (01) month, then the respondents are at liberty to recover the entire amount of penalty. The respondents may get the bond executed from the petitioner to their satisfaction.

5. Writ petition accordingly is disposed of. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S.V. GANGAPURWALA)
JUDGE

S.P. Rane