

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

1007 WRIT PETITION NO.2732 OF 2021

AVCHITRAO GOVINDRAO THOMBRE

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. S. D. Mande h/f Mr. Shailendra Gangakhedkar,
Advocate for the Petitioner.

Mr. S. K. Tambe, AGP for Respondents-State.

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

DATED : 04th MARCH, 2021.

PER COURT:-

1. The learned counsel for the petitioner submits that the vehicle has been seized by the Police Authority. The FIR has not been lodged. The Police Authority does not have jurisdiction to seize the vehicle. The learned counsel further submits that illegal penalty has been imposed upon the petitioner.

2. The learned A.G.P. on instructions confirms that FIR has not been lodged against the petitioner or the vehicle and that the vehicle was seized by the Police Authority.

3. In light of that, we pass the following order:

ORDER

- a. The respondents shall release the vehicle seized of the petitioner upon verifying the genuineness and ownership of the petitioner.
 - b. The petitioner shall deposit an amount of Rs.50,000/- (Rs.Fifty Thousand Only) with respondents before the release of the vehicle. The said deposit of the amount is without prejudice to the rights and contentions of either parties and subject to the decision that would be taken in the Appeal that may be filed by the petitioner against the order of imposing penalty.
 - c. In case, the petitioner does not file an Appeal within a period of one month, then respondents are at liberty to recover the entire amount of penalty.
 - d. The respondents also may get the bond executed from the petitioner to their satisfaction.
4. Writ Petition is disposed of. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE