

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

CRIMINAL APPLICATION NO.2452 OF 2020

NITIN BHOJU MARATHE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Jadhav Yogesh H.
APP for Respondents: Mr. V.M. Kagne

...
CORAM : MANGESH S. PATIL, J.

DATE : 04.02.2021

PER COURT :

Heard both the sides.

2. The car of the petitioner bearing No.MH-19/CV-3707 has been seized during investigation when some narcotic drug was being transported in it. The applicant submit an application under Section 457 seeking its custody but by the impugned order the learned Special Judge rejected his application.

3. It transpires that even before the learned Special Judge the prosecution had not opposed the request of the applicant for return of the vehicle.

4. On my instructions, the learned APP has also solicited instructions from the Investigating Officer who has now submitted that the vehicle may be returned to the applicant by putting some conditions.

5. In view of the above state of affairs, the impugned order is

quashed and set aside. The Application (Exhibit-7) filed by the applicant before the Special Court is allowed. The vehicle be returned to the applicant on his execution of a personal recognizance for an amount of Rs.7,00,000/- and furnishing a surety in the like amount subject to the condition that he shall produce the vehicle as and when called upon by the trial court.

6. The application is disposed of.

(MANGESH S. PATIL, J.)

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