

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO.772 OF 2021

Shamim Begam R. Shaikh ... Applicant
Vs
Union of India ... Respondents
...

Mr. Rahul Tiwari i/by Mr. Parmeshwar Bhise for the Applicant.

Mr. Shreeram Shirsat with Amandeep Singh Sra for R.No.1.

Mr. A.R.Patil , APP for the Respondent-State.

CORAM : SANDEEP K. SHINDE J.
DATE : NOVEMBER 30, 2021.

P.C. :

Pending trial, in NDPS Special Case No.701 of 2021, the learned Special Judge vide order dated 13th July, 2021 declined to release the Scooty bearing Registration No.MH-02-CY-3207, that, was seized by the Investigating Officer, to the applicant. This order is assailed in this application.

2 On 16th April, 2021, two blots of LSD were found in scooty, which was in use and possession of the applicant's son. Whereafter, scooty was seized by the respondents under panchanama dated 16th April, 2021. When applied for return of the scooty, the learned Special Judge declined the request, only on the ground that the applicant did not produce ownership documents of the scooty, in question.

3 Be that as it may, the learned counsel for the respondent no.1 has produced ownership particulars of the scooty from the office of the Regional Transport Authority, which are taken on record and marked **“X-1” for Identification**. I have perused it. It shows applicant is owner of the scooty bearing Registration No.MH-02-CY-3207. In view of this fact, NDPS Miscellaneous Application No.803 of 2021 in NDPS Special Case No.701 of 2021 is allowed. Investigating Officer is directed to hand over

scooty in question to the applicant, on executing bond in the sum of Rs.10,000/- with an Undertaking that she shall produce the vehicle as and when required by the Court.

4 Criminal Application is allowed and disposed off in the aforesaid terms.

(SANDEEP K. SHINDE, J.)