

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 2058 OF 2022

Shanu Uttamrao Rangari Vs. The State of Maharashtra and ors

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Raju Kadu, Advocate for Petitioner
Mr. N.R.Rode, AGP for the respondent Nos. 1 to 4

CORAM : AVINASH G. GHAROTE, J.
DATE : 11/08/2022

Heard Mr. Kadu, learned counsel for the petitioner and Mr. Rode, learned AGP for respondents.

2] The spot panchnama dated 1.2.2022 (page 29) indicates that the truck in question was empty and was merely standing at the sand ghat which is a ground for its seizure under Section 48(8) of the MLR Code.

3] It is contended by learned AGP for respondents that there was no reason whatsoever why the truck in question was found standing empty on the spot and the only conclusion which would be drawn was that the said truck was intending to commit the illegal act of transporting sand.

4] A perusal of Section 48(8) of the MLR Code would indicate that such an action is not covered by the language, which contemplates a post facto applicability

of the provision. That being the position, the impugned order which seizes the vehicle under Section 48(8) of the MLR Code merely for having been found standing empty at the sand ghat cannot be sustained. The same is accordingly quashed and set aside and the respondent is directed to forthwith release the vehicle to the petitioner.

5] The petition is allowed in above terms. No costs.

JUDGE

Rvjalit