



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL REVISION APPLICATION (REVN) NO.43 OF 2024

[Suresh S/o Gangaram Babhare ..Vs.. 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 order

Mr V. V. Bharadwaj, Advocate for Applicant.
Mr A. Gohokar, APP for Non-Applicant/State.

CORAM : M. W. CHANDWANI, J.

DATE : 18th MARCH, 2024.

. Heard.

2. By this criminal revision application, the applicant is challenging the order dated 13.02.2024 passed by the learned Additional Sessions Judge, Wardha, in Criminal Appeal No.60 of 2023, thereby confirming the order dated 21.11.2023 passed by the non-applicant No.1-District Collector, Wardha, directing to release the seized vehicle i.e. Truck bearing registration No.MH-40-CD-6709 on furnishing 50% of the cost of said vehicle in the form of bank guarantee.

3. Needless to mention that the said vehicle came to be seized in crime No.222 of 2023 registered with Sindi (Rly) Police Station, Wardha, on the allegation of transporting the essential commodity in contravention of the Essential Commodity Act, 1955.

4. Learned counsel for applicant submits that the District Collector as well as the learned Additional Sessions Judge, Wardha, erred in passing the order impugned. According to

him, the learned District Collector, Wardha, should have passed the order for solvent surety instead of bank guarantee of 50% of the market value of the vehicle. Reliance is placed by the learned counsel for the applicant on the decision of this Court in the case of *Shri Mohsin Beg Shabbir Beg vs The Collector, Buldana, Criminal Revision No.97 of 2020* decided on 08.09.2020; *Criminal Revision Application No.145 of 2010 (Rajat Agro Industries vs State of Maharashtra and others)* and order dated 17/12/2015 passed in *Criminal Writ Petition No.927 of 2015 (Sk. Anis s/o Sk. Ibrahim vs State of Maharashtra and another)*, wherein this Court modified the order of the Court below by directing that instead of furnishing bank guarantee, the applicant/petitioner therein was permitted to furnish solvent surety to the satisfaction of the Collector as a condition for release of the vehicle. The learned APP fairly submitted that the contention raised by the applicant herein was covered by the aforesaid judgments and orders on which reliance was placed.

5. In view of the above, the present application is allowed.

6. The impugned judgment and orders passed by the learned Sessions Court and District Collector are modified to the extent that instead of a direction to the applicant to furnish bank guarantee of 50% of the cost of the vehicle, the applicant is permitted to furnish solvent surety of 50% of the cost of the said vehicle instead of bank guarantee. Upon such

Corrected as per
Court's order dated
03.04.2024.

solvent surety being furnished, the Collector, Wardha, shall release vehicle of the applicant bearing registration No.MH-40-CD-6709, within two days of furnishing such solvent surety.

7. Application is **allowed** in above terms.

(JUDGE)