



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

81 CRIMINAL WRIT PETITION NO. 1316 OF 2025

Akar Auromatics Mr Ameer Mohammed Fareed Through Its Proprietor

VERSUS

The State Of Maharashtra And Others

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Mr. S. N. Menchirel and Mr. S. B. Jaiswal, Advocate for the Petitioner

Mr. V. M. Jaware, APP for Respondents/State

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CORAM : SANDIPKUMAR C. MORE AND
ABASAHEB D. SHINDE, JJ.

DATED : JANUARY 27, 2026

P.C.:

1. Heard. By this Writ Petition, the petitioner has putforth the following reliefs :-

"a) Issue a writ of mandamus or any other appropriate writ, order or direction directing the Respondents to forthwith release the Petitioner's vehicle bearing registration No. MH20 CP 9909 alongwith the goods (Agarbatti compound and Loban compound) seized illegally and without authority of law;

b) Declare that the detention of the driver of the Petitioner's vehicle for a period of about 30 hours by Respondent Police officials was illegal, unconstitutional, and violative of Articles 21 and 22 of the Constitution of India;

c) Direct payment of compensation to the driver for illegal detention and to the Petitioner-Company for harassment, loss of business and deprivation of property, under the principles laid down by the Hon'ble Supreme Court in Rudal Shah v. State of Bihar (1983) 4 SCC 141 and Nilabati Behera v. State of Orissa (1993) 2 SCC 746;

d) Direct initiation of departmental as well as penal proceedings against the erring police officials responsible for the illegal detention and seizure, with appropriate strictures from this Hon'ble Court;

e) Issue directions for framing appropriate guidelines/standard operating procedures to ensure that no registered MSME

engaged in lawful business is harassed or subjected to arbitrary detention or seizure by police authorities in the absence of valid and recorded reasons in writing;

f) Pass such other and further order(s) as this Hon'ble Court may deem fit in the interest of justice, equity, and good conscience."

2. Learned Counsel for the petitioners submits that the vehicle of petitioner no.1 was illegally detained by the police authorities. He would further submit that even the driver of said vehicle was also illegally detained for a considerable period without there being FIR registered against him. He therefore submit that due to detention of vehicle petitioner no.1 has suffered a loss. So also considering the fact that the driver of petitioner no.1 was also detained illegally, he therefore submits that petitioner No.1 as well as petitioner no.2- driver is entitled for the compensation. Learned Counsel for the petitioners however, submit that in so far as the release of vehicle is concerned, pursuant to an application filed by the petitioners under Section 498 of Bhartiya Nagarik Suraksh Sanhita, 2023 (BNSS), the concerned Judicial Magistrate First Class has released the said vehicle and therefore the prayers to that extent does not survive. He therefore submits that since the driver of vehicle was illegally detained, the Writ Petition survives so far as the prayer for grant of compensation is concerned.

3. Learned AGP submits that the vehicle of petitioner no.1 was found carrying suspicious material and therefore the same was brought

to the police station for interrogation and when the driver of the vehicle was interacted about the material being carried out in the said vehicle, he under the garb of bringing purchase bill left the police station and did not turn up. Learned AGP therefore submits that contention of the petitioners that petitioner no.2- driver was illegally detained is factually incorrect. He would further submit that since the police authorities found suspected hazardous material in the vehicle seized by them, an FIR has been registered against the petitioners bearing Crime No.667 of 2025 dated 13.09.2025 for the offence punishable under Section 123, 274, 275, 223 of Bhartiya Nagri Sanhita (BNS) with sections 26(2), (I), 30(2)(a), 59 of the Food Safety and Standards Act, 2006. He therefore submits that the contention of the petitioners that the vehicle as well as the driver was detained illegally is devoid of any substance.

4. After hearing the learned Counsel for the petitioner as well as the learned APP, we find that so far as the grievance about release of vehicle is concerned, the same has already been redressed. However, the contention of the petitioners about illegal detention of driver is disputed. We find that this Court cannot go into disputed questions of fact as to whether the petitioner no.2- driver was illegally detained or whether he was called for interrogation.

5. We find that since this Writ Petition involves disputed question of

fact, we do not propose to go into the same and the petitioners may avail the remedy as permissible in law before appropriate forum.

6. We, therefore, find no reason for entertaining this Writ Petition. The Writ Petition thus stands disposed of.

[ABASAHEB D. SHINDE, J.]

[SANDIPKUMAR C. MORE, J.]