



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL REVISION APPLICATION NO. 377 OF 2025

Mr. Chandrakant @ Bapu Anandrao Kane,
Age : 47 years, Occu. : Business,
R/o. Raje Sambhaji Chouk, Behind Kane Bus Stop,
Tuljapur, Tq. Tuljapur, Dist. Dharashiv.

... Applicant
(Accused No.10)

Versus

The State of Maharashtra,
Through Police Inspector,
Tamalvadi Police Station,
Tuljapur, Tq. Tuljapur, Dist. Dharashiv.

.... Respondent

.....
Mr. Nitin S. Salunke, Advocate for Applicant.
Mr. S. G. Sangle, APP for Respondent – State.

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 22 JANUARY 2026

PRONOUNCED ON : 23 JANUARY 2026

ORDER :

1. In present revision, there is challenge to the order dated 12.11.2025 passed by Special Judge, Osmanabad below Exh.1 in Criminal M.A. No.61/2025 rejecting application for release of seized vehicle.

2. One Crime bearing No.22/2025 came to be registered at Tamalwadi Police Station, District Dharashiv, on report dated 15.02.2025 on receipt of secret information regarding transportation and possession

of psychotropic substance banned under NDPS Act. Accordingly, after taking necessary steps of informing superior, trap was planned and the raiding party visited premises of a toll naka and came across a blue colour car bearing MH-25-R-5598 parked near the laboratory in suspicious condition, and therefore, raiding party approached it, found three persons occupying the car, inquiry was made with them and they gave their names as Amit @ Chimya Ashokrao Argade, Yuvraj Devidas Dalvi and Sandip Sanjay Rathod and on further inquiry it emerged that, they were in possession of M.D.drugs. After summoning the panchas, search of the vehicle was taken and beneath the seat, above drugs were found. Resultantly, both, three persons arrested as well as vehicle was seized and after registering crime, investigation was carried out and subsequently, present revision petitioner also came to be apprehended and the vehicle owned by him bearing no. MH-25-AK-1010 was also seized, regarding which prayers for release of vehicle are made out.

3. Learned counsel for revision applicant pointed out that, applicant was not named in the FIR and he was not present during search and seizure of another vehicle. That, subsequently on alleged statement of one driver of applicant, investigating machinery claims to have learnt that his vehicle was used for transporting drugs from Mumbai. That, only on such statement, his vehicle is seized. Said vehicle is of personal use

and moreover, it is obtained on finance. Now, the said vehicle is standing idle since its seizure and its condition is getting deteriorated due to its non use. That, merely charge-sheet has been filed and trial is yet to commence and it would further take longtime for even conclusion of trial. Hence, during pendency fo the trial as custody of the vehicle was needed, he pointed out that, application was made before the learned trial court for return of said property, the same came to be rejected.

4. Learned counsel further submitted that, the applicant is the real owner. There are papers in his name. Vehicle is required for personal use and moreover by keeping the vehicle standing idle, its condition is getting deteriorated and therefore, learned counsel for revision applicant seeks reliance on the judgment of the Hon'ble Apex Court in the case of ***Bishwajit Dey v. State of Assam***, reported in (2025) 3 SCC 241 and the judgment of this court in Criminal Writ Petition No. 267 of 2024 in the case of ***Swapnil S/o. Ganesh Gaikwad v. State of Maharashtra***., he urged to release the vehicle by imposing conditions which she agrees to abide.

5. Learned APP opposed on the ground that, in serious offence like NDPS Act, vehicle in question has been seized. He apprehends possibility of tampering and disposing of vehicle and resultantly he justifies the order of rejection passed by learned trial court.

6. Heard. Here, by virtue of registration of crime bearing No.22/2025 for offence punishable under section 8(c), 21(b), 27, 27(a), 29, 68(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985. Vehicle bearing No. MH-25-R-5598 was seized on 14.02.2025 alleging that the persons named above were occupants of the said vehicle and in the said vehicle contraband was found, and therefore, after taking all three persons into custody, contraband was also seized. Papers shows that, during investigation, further involvement of other persons were detected including that of present applicant and he was duly arraigned as accused no.10. Statement of driver of present applicant seems to be recorded on 06.08.2025, wherein he stated that he was driver of Fortuner Car bearing no. MH-25-AK-1010 and his owner i.e. present applicant on 04.02.2024 sent him to Mumbai for collecting parcel from the same place from where previously he had brought the parcel and accordingly on such statement, Investigating Machinery seems to have picked up and seized the vehicle, which is now sought to be released.

7. Since seizure of said vehicle on 31.03.2025, said vehicle is lying in the custody at police station. Statement is made across the bar that charge sheet has been filed and trial has not yet commenced. Learned counsel for revision petitioner has undertaken to abide all conditions, which would be imposed while releasing the vehicle. According to him, vehicle is for his personal use and moreover is said to

be taken on finance. The application before trial court was rejected and hence, present revision. Even before this court, learned APP opposed the revision and expressing apprehension of disposal or conversion of the property, which is a *muddemal*.

8. The Hon'ble Apex Court in the case of ***Sunderbhai Ambala Desai v. State of Gujarat***, (2002) 10 SCC 283, has laid down the guidelines for release of property like vehicle. Admittedly, trial is yet to commence. As submitted, no purpose would be served by keeping the vehicle idle at police station. Vehicle seems to be seized only on the statement of driver of present applicant that said vehicle was used to go to Mumbai and to bring a parcel. At the time of FIR, only three accused named therein were arrested, and the vehicle in which they were found allegedly containing the contraband is already seized.

9. Therefore, in the light of above discussion, when there are no immediate chances of trial commences soon and to avoid deterioration of the condition of the vehicle by keeping it idle, vehicle can be permitted to be released by imposing conditions. Consequently, revision deserves to be allowed.

10. Considering the facts and circumstances of the case, the instant revision is allowed and the order dated 12.11.2025 passed by the learned Special Judge, Osmanabad is hereby set-aside.

11. Accordingly, interim custody of vehicle is allowed in favour of revision applicant/registered owner subject to the following conditions:

(i) The applicant shall produce valid proof of ownership of the vehicle.

(ii) On due verifications of its papers on the point of ownership, vehicle bearing no. MH-25-AK-1010 is directed to be handed over to revision applicant on he executing bond of Rs.10,00,000/- and furnishing an undertaking that he shall not sell, alter, transfer, part with possession of, create any third-party interest in or change the nature of vehicle in any manner until the conclusion of the trial.

(iii) Investigating Officer to retain certified photocopies of the RC particulars of the vehicle and shall prepare a detailed panchanama.

(iv) Applicant shall produce the vehicle as and when directed by Investigation Officer or the trial court.

12. The Revision stands disposed off in aforesaid terms.

(ABHAY S. WAGHWASE, J.)