



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

CRIMINAL REVISION APPLICATION NO. 380 OF 2025

. Rahul Bhau Jadhav
Age : 32 years, Occu.: Agri and Business,
R/o. Hanuman Nagar,
Tq. and District Hingoli.Applicant

Versus

1. The State of Maharashtra
Through Investigating Officer,
Crime No.0787/2025,
Higoli City Police Station,
Tq. Dist.Hingoli.
2. Dy. Regional Transport Officer,
Dy. Regional Transport Office,
At.Jamwadi, Near Devala Pati,
Aundha-Hingoli Road,
Tq. and District Hingoli.Respondents

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Advocate for Applicant : Mr.Vijay S.Wakale h/f.
Mr. Sudheerkumar G. Ghongade
APP for Respondent no.1 : Mr.S.M.Ganachari

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CORAM : ABHAY S. WAGHWASE, J.

DATE : 24 FEBRUARY, 2026

ORDER :

1. Revision petitioner takes exception to order dated 18-11-2025 passed by learned Additional Sessions Judge-1, Hingoli in Criminal M.A.No.83 of 2025 rejecting application for release of vehicle seized in Crime no.787 of 2025.

2. Learned counsel for the revision petitioner submits that in above crime, tipper belonging to revision petitioner was seized by Police for commission of offence under Section 303(2) of the BNS and Section 4 read with Section 21 of the Mines and Minerals Act. It is further submitted that, since its seizure, vehicle is standing idle at Police Station. That, revision petitioner is conducting business of transport and earning have been stalled because of seizure of vehicle. That, if vehicle is allowed to stand still, its condition would deteriorate. Rather revision petitioner is ready to make the vehicle available as and when directed by the the Investigating Officer and is also ready to clear all the dues liable to be paid to RTO Authorities.

3. Learned APP strongly opposed on the ground that, dues are unpaid, moreover, said vehicle is being repeatedly used for transporting illegal sand and several crimes of similar nature are registered. Therefore, according to him, it is unsafe to handover back the vehicle to him as there is likelihood of repetition of crime by indulging in similar acts in near future. Learned APP emphasized that revenue authorities are authorized to confiscate the vehicles, which are used for such crimes.

4. Heard perused the papers. By virtue of registration of Crime bearing no.0787 of 2025 dated 16-10-2025, tipper bearing no.MH21 BH1098 seems to have been seized by investigating machinery on 15-10-2025. For return of the same, when application below exh.1 was moved before learned Additional Sessions Judge, by order dated 18-11-2025, said prayers were turned down and hence, the revision.

5. After considering the submissions of both sides, it appears that there is force in submission of learned counsel for revision petitioner that keeping the vehicle in idle condition would deteriorate its condition. Moreover, learned counsel for revision petitioner has undertaken to abide all conditions imposed by this Court. Statement is made across the bar that, the said vehicle, which is used for transportation, is only source of earning, however, learned counsel agrees to furnish undertaking that he would not use the vehicle for illegal transportation of sand thereby committing violation of provisions of the Mines and Minerals Act. He is also ready to make available the vehicle as and when required by the Investigating Officer and he would not create third party interest. For above reasons, revision application deserves to be allowed on following condition. Hence, following order :

ORDER

- (I) Criminal Revision Application is allowed.
- (II) The order dated 18-11-2025 passed by learned Additional Sessions Judge-1, Hingoli, is hereby quashed and set aside.
- (III) The vehicle bearing no.MH21 BH1098 shall be released in favour of the applicant/registered owner, subject to the following conditions :
- (a) The applicant shall produce valid proof of ownership of the vehicle.
 - (b) The applicant shall furnish an indemnity bond to the extent of cost of the vehicle.
 - (c) The applicant shall not alter, transfer, part with possession of, or create any third-party interest in the vehicle until the conclusion of the trial.
 - (d) Applicant shall tender undertaking that he will not use the vehicle for illegal transportation of sand.
 - (e) The applicant shall produce the vehicle before the Court or the Investigating Officer as and when required.

(f) The applicant shall pay all fine amounts.

(g) The Investigating Officer shall prepare a detailed panchanama/photographs of the vehicle before release.

(IV) Upon compliance with the above conditions, the Hingoli City Police Station, Hingoli, is directed to release the vehicle to the revision petitioner without delay.

(V) Revenue authorities are free to take action within their domain without getting influenced by the observation of this Court in this order, which is only confined for release of vehicle.

(ABHAY S. WAGHWASE)
JUDGE