



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

CRIMINAL WRIT PETITION NO. 486 OF 2026

**1. SHAIKH NAJIM SHAIKH MAJID
2. SAHIDODDIN WAHIDODDIN SIDHIQUI
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Petitioners : Mr. Jaju Nikhil Santosh

APP for Respondents/State : Mr. P. D. Patil

...
**CORAM : MEHROZ K. PATHAN, J.
DATE : 29th APRIL 2026**

PER COURT :

1. Heard the learned Counsel for the Petitioners and the learned APP for the State.
2. The Petitioners filed a petition challenging the order dated 03.02.2026 passed by the learned trial Court, whereby the application under Section 503 BNSS for release of the Tractor and Trolley on Supurdnama was rejected. The Petitioners thereafter filed a Revision Application before the Revisional Court. The Revisional Court, vide its order dated 09.03.2026, was pleased to reject Revision Application No. 9/2026.
3. At the outset, the learned Counsel for the Petitioners submits that the vehicles, Tractor and Trolley, were earlier involved in identical crimes, being Crime No. 151/2025 and Crime No. 88/2024.

However, that by itself cannot be a reason for rejecting the application for handing over custody of the vehicles on Supurdnama. The learned Counsel for the Petitioners relies upon the judgment in **Sunderbhai Ambalal Desai v. State of Gujarat, reported in 2002 (10) SCC 283**, to submit that it is now almost a settled law that even if the owners of the vehicles are accused in identical crimes, the vehicles can be handed over to them instead of allowing them to rust in the police station. The only condition required is that the owner shall give an undertaking to the trial Court to produce the vehicle whenever directed.

. The learned Counsel further submits that the Petitioner No.1 is the owner of the Tractor, whereas Petitioner No.2 is the owner of the Trolley seized in the present Crime No. 2/2026. Both Petitioners have shown their bona fides by depositing an amount of Rs. 2,00,000/- (cash) with an undertaking that they shall not use the said vehicles to commit any further offence. The Petitioners are further ready to abide by any conditions that may be imposed by this Court while releasing the vehicles. Hence, the impugned orders may be quashed and set aside, and custody of the vehicles be handed over to the Petitioners, who are the owners of the Tractor and Trolley involved in the present crime

4. As against the learned APP Mr. Patil strongly opposes the petition on the ground that the Petitioners are involved in two earlier crimes, being Crime Nos. 151/2025 and 88/2024, wherein the said vehicles were involved in identical offences of sand theft. Even if the

vehicles were released earlier on conditions that the Petitioners shall not use them in identical offences, the vehicles were nevertheless found to be involved in the present Crime No. 2/2026, again relating to sand theft. Thus, the application under Section 503 BNSS was rightly rejected by the learned trial Court. The Revisional Court has also upheld the said order, and therefore the impugned orders are liable to be maintained. The petition is devoid of substance and is liable to be rejected.

5. I have gone through the orders passed by both the learned Courts below. This Court, vide order dated 15.04.2026, had heard the Petitioners, who voluntarily made a statement regarding depositing Rs. 2,00,000/- before the learned Trial Court to show their bona fides and for release of the Tractor and Trolley. In pursuance of the said order, the Petitioners have deposited an amount of Rs. 2,00,000/-, and the receipt to that effect has already been placed on record and marked 'X' for identification. The learned APP concedes to the fact that the Petitioners have deposited the said amount in compliance with the orders passed by this Court.

. The Hon'ble Supreme Court in the case of *Sunderbhai Ambalal Desai* (cited supra) has given guidelines and directions to subordinate Courts to see that the vehicles are not kept idle and the proceedings filed for interim custody is decided immediately. The identical observations made in the case of **General Insurance Council and Ors. Vs. State of Andhra Pradesh and Ors.** reported in (2010) 6 SCC 768 can be found at paragraph no. 14 which is as follows :

14. It is a matter of common knowledge that as and when vehicles are seized and kept in various police stations, not only do they occupy substantial space in the police stations but upon being kept in open, are also prone to fast natural decay on account of weather conditions. Even a good maintained vehicle loses its road worthiness if it is kept stationary in the police station for more than fifteen days. Apart from the above, it is also a matter of common knowledge that several valuable and costly parts of the said vehicles are either stolen or are cannibalised so that the vehicles become unworthy of being driven on road.

6. The Hon'ble Supreme Court, in **Shaikh Sheru Shaikh Dastagir v. State of Maharashtra (SLP(CRL) Diary No(s). 13071/2024)**, was pleased to release the vehicle in favour of the owner on an undertaking that the owner shall not use the vehicle for committing any further offences, even though two prior offences had been registered for using the vehicle for identical offences earlier.

. The Hon'ble Supreme Court, in **Sunderbhai Ambalal Desai (supra)**, was pleased to hold as under.

17. In our view, whatever be the situation, it is of no use to keep such-seized vehicles at the police stations for a long period. It is for the Magistrate to pass appropriate orders immediately by taking appropriate bond and guarantee as well as security for return of the said vehicles, if required at any point of time. This can be done pending hearing of applications for return of such vehicles.

7. Taking into consideration the aforesaid submissions and the observations of the Hon'ble Supreme Court in the case of **Sundarbhai Ambalal Desai (supra)**, and since the Petitioners have shown their bona fides by depositing an amount of Rs. 2,00,000/- in cash before the learned trial Court, I am inclined to pass the following order :

ORDER

- (i) The impugned order dated 03.02.2026, passed by the learned Judicial Magistrate First Class, Jafrabad, Dist. Jalna in Criminal Miscellaneous Application No. 09/2026 and the order dated 09.03.2026 passed by the learned Additional Sessions Judge, Jalna in Criminal Revision Application No. 09/2026, are hereby quashed and set aside.
- (ii) The Petitioner No.1 shall be handed over the custody of the Tractor and the Petitioner No.2 shall be handed over the custody of the Trolley.
- (iii) The Petitioners shall produce the vehicles every month before the police station for inspection.
- (iv) The Petitioners shall make the vehicles available as and when required and called for, by the prosecution.
- (v) The Petitioners shall not transfer the ownership of the vehicles without the permission of the learned trial Court.
- (vi) With the above observations, the Writ Petition stands disposed of.

MEHROZ K. PATHAN
JUDGE