

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 505 OF 2026

Shaikh Akeel Haji Ayyub Qureshi

....Petitioner

VERSUS

The State Of Maharashtra And Another

.....Respondent

.....
Advocate for the Petitioner : Mr. Shaikh Aadil Ajimoddin
APP for Respondents: Mr. A.S. Shinde.

CORAM : MEHROZ K. PATHAN, J.

DATE : 27th APRIL, 2026.

P.C. :-

1. Mr. Aadil Shaikh, the learned counsel for the petitioner submits that the petitioner's application filed for release of the vehicle on Supurtnama came to be rejected by the learned trial court vide order dated 21.6.2025. The petitioner filed a revision before the learned District Judge, Dhule vide Criminal Revision Application No. 31 of 2025, which came to be rejected vide order dated 16.3.2026. The only ground on which both the courts below have rejected the application of the applicant is that as the vehicle was involved earlier in an identical offence bearing Crime No. 127 of 2024 registered at the same police station, the applicant may again commit a similar offence.

2. The petitioner relies upon the judgment of the Honourable Supreme Court in the case of *Sundarbhai Desai Vs. State of Gujarat, AIR 2003 SC 638*, to submit that the applicant was ready to give an undertaking that the applicant shall not use the said vehicle in commission of any other offence and further ready to abide by any conditions that may be imposed by this court. As such, the vehicle ought to have been released in favour of the petitioner. The learned counsel

further submits that the petitioner is not the owner of the vehicle, however, there is a notarized agreement in favour of the petitioner and when the vehicle was seized in the present crime, the vehicle was in possession of the petitioner, on the basis of the notarized agreement entered into between the original owner Vinayak Gavit. The original owner Vinayak Gavit has also filed an affidavit before the learned lower court, giving a no objection for release of the vehicle in favour of the petitioner.

3. The learned counsel for the petitioner further relies upon the judgment of the Supreme Court in the case of ***Shaikh Sheru Shaikh Dastgir vs. the State of Maharashtra***, wherein, in an identical facts where an earlier offence was already registered and the vehicle was released on Supurtnama and the owner of the vehicle had committed another offence and the vehicle was seized in the second offence, even then the Honourable Supreme Court, was pleased to release the vehicle on an undertaking given by the petitioner, by judgment dated 12.12.2024 passed in SLP (Criminal) Appeal No. 13071 of 2024.

4. As against the learned APP strongly opposes the application on the ground that the applicant is involved in the identical offences by using the same vehicle Mahindra Pick-up Bolero van bearing No. MH-39/AD-0903. The said vehicle was also earlier involved in Crime No. 127 of 2024 registered at Dondaicha Police Station. The present Crime bearing No. 104 of 2025 is registered at the same police station. The earlier vehicle was released in favour of the petitioner on the condition that the petitioner shall not commit identical offence using the same vehicle. Since the petitioner has again committed another offence, the petitioner is not entitled for release of the vehicle in view of the judgment of the the Principal Seat of this Court in the matter of ***Nilkant Suryawanshi vs. State of Maharashtra, dated 5.4.2023 in Criminal Writ***

Petition No. 1816 of 2022.

5. I have gone through the judgment of the Honourable Supreme Court in the case of ***Sundarbhai Desai vs. State of Gujarat, reported in (2002) 10 SCC 283***, wherein, the Honourable Supreme Court has held 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.

6. The Honourable Supreme Court in the case of ***Shaikh Sheru Shaikh Dastgir vs. State of Maharashtra (supra)*** was pleased to observe as under :-

“It is needless to observe that the appellant on seeking such release of the vehicle shall use the vehicle only for lawful purposes and shall not repeat the offence for which he has been charged nor shall he use the vehicle for committing any other offence.”

7. It is true that the petitioner was involved in an identical offence earlier. However, the Honourable Supreme Court, in an identical case, where, earlier offences were registered against the applicants therein, was pleased to release the vehicle upon an undertaking given by the petitioner therein. The petitioner in the present case, apart from giving an undertaking, is also ready to further deposit an amount of Rs. 30,000/- to show his bonafides. Taking into consideration the aforesaid two judgment of the Honourable Supreme court, and the voluntary

statement made by the learned counsel for the petitioner upon instructions that the petitioner is ready to deposit an amount of Rs. 30,000/-, cash before the trial court, I am inclined to pass the following order.

ORDER

[A] The impugned order dated 21.6.2025 passed by the learned Judicial Magistrate, First, Class, Dondaicha, in Criminal Misc. Application No. 30 of 2025 is hereby quashed and set aside;

[B] The impugned order dated 16.3.2026 passed by the Additional Sessions Judge, Dhule in Criminal Revision Applicatio No. 31 of 2025 is hereby quashed and set aside;

[C] The vehicle be released in favour of the petitioner upon a condition that the petitioner shall deposit an amount of Rs. 30,000/- before the trial court within a period of one week, from the date of receipt of this order.

[D] The concerned police station shall prepare a detailed panchanama while releasing the vehicle in favour of the petitioner. The petitioner shall produce the vehicle before the police station, on 1st day of every month till the completion of trial.

[E] The petitioner shall produce the vehicle before the trial court as and when so directed by the learned trial court.

[f] The applicant shall not create any third party interest or shall not dispose of the vehicle.

[g] The applicant shall maintain the vehicle in proper condition till completion of the trial.

[h] The writ petition stands disposed of in aforesaid terms.

[MEHROZ K. PATHAN]
JUDGE.

grt/-