



129

Cri.M.A./179/2023

SATARA KHANDOBA

**Sayyed Akhil Husaini Sayyed Khazim Husaini Vs. State of
Maharashtra**

ORDER BELOW EXH.-1

Perused the application moved by Syed Akhil Husaini Syed Kazim Husaini. By virtue of present application he prayed to release the property i.e. Samsung Mobile phone, EMI No. 357110099926699/01 and 357111099926697/01 seized by Satara police station during investigation in Crime No.129/2023, registered for commission of offence punishable under section 20(A), 20(b), 8(c) of the Narcotic Drug and Psychotropic Substance Act, under section 328, 276 of the Indian Penal Code and under section 18A, 18(C), 27 of Drugs and Cosmetic Act. It is contention of applicant that he is owner of mobile. He has purchased the same. Application is supported with affidavit of Syed Akhil Husaini Syed Kazim Husaini. Also supported with documents i.e. purchase receipt of mobile etc.

2. Investigating officer and learned APP filed say at Exh.-5. Both of them have no objection to return the mobile to the applicant on condition that he should not sale and produced the same as and when called by the Court till the decision case..

3. It reflects from the document that applicant has purchased the mobile from Yaba Mobile Shope shop. It is electronic devise. If it is kept idle, it would certainly curtail its utility. No one except the applicant has claimed the ownership of mobile. Considering the observation of Hon'ble Apex Court in the case of

Sundharbhai Vs. State of Gujrat, I am inclined to give the interim custody of mobile on certain conditions. Hence the order.

O R D E R

1. Application is allowed.
2. The Samsung Mobile phone having EMI No. 357110099926699/01 & 357111099926697/01 seized by Satara police station during investigation in Crime No.129/2023 be handed over the applicant Syed Akhil Husaini Syed Kazim Husaini on his furnishing indemnity bond of Rs.12,000/- (Rs. Twelve Thousand Only) on the condition that he shall not sale, transfer, alienate the same and did not make any changes in the mobile without prior permission of the Court.

(Ashwini D. Lokhande)
I/c Additional Sessions Judge, Aurangabad

Date :- 01.06.2023

CERTIFICATE

I affirm that the contents of this P.D.F. file order are same, word to word, as per the original order.

Name of the Stenographer	: Manoj S. Nangre
Court	: Ad-hoc District Judge-2 & Addl. Sessions Judge, A.bad
Date	: 01.06.2023
Order signed by the presiding officer on	: 01.06.2023
Order uploaded on	: 02.06.2023