

**IN THE COURT OF SH. AJAY GUPTA,
SPECIAL JUDGE, PC ACT, CBI-15,
ROUSE AVENUE DISTRICT COURT, NEW DELHI**

**CBI Case No. 50/2022
CNR No. DLCT11-000591-2022**

CENTRAL BUREAU OF INVESTIGATION

VERSUS

BHUSHAN KUMAR AZAD & ORS.

ORDER

1. Vide this order, I shall dispose of the application of the Complainant dated 13.05.2025, wherein prayer has been made for release of mobile phone Samsung Galaxy-M and an amount of Rs.39,000/- (trap money) seized during investigation.
2. Reply on behalf of CBI has been filed on record.
3. Arguments addressed by the Complainant as well as Ld. Sr. PP on behalf of CBI heard.
4. In the application, the Complainant has submitted that CBI had seized a mobile phone Samsung Galaxy-M and Rs.39,000/- (trap money) from the Complainant during the investigation and the same were made the case property of the present case. Complainant has further submitted that investigation of the present case had already been completed long ago and that the aforesaid articles were duly identified

by the Complainant during his examination before the Court and thus, no useful purpose would be served by keeping the same on record. It has been prayed that since, the purpose of aforesaid articles has already been served during his examination-in-chief of the Complainant, the aforesaid articles i.e. mobile phone Samsung Galaxy-M and Rs.39,000/- be released to him.

5. During the course of arguments, Complainant has vehemently pressed his request for the release of Rs.39,000/- while submitting that his wife has to undergo some operation in a month's time and the doctor has informed that an expense of about Rs.40,000/- is to be incurred on the same. Complainant has submitted that he is facing financial hardship and therefore, he has requested that the amount of Rs.39,000/-, seized as trap money during investigation be released to him at the earliest.

6. Per contra, in the reply, filed on behalf of prosecution, objection has been raised to the prayer of the Complainant, submitting therein that matter is at the stage of prosecution evidence and key prosecution witnesses are yet to be examined and thus, release of aforesaid articles may cause prejudice to prosecution case. It has also been submitted that examination of Complainant has yet not been concluded and thus, it is prayed that the said articles be not released to the Complainant at this stage.

7. During the course of arguments, Ld. Sr. PP has submitted that instead of trap money (being case property), an equivalent amount of money can be released/refunded to

the Complainant after completion of his examination-in-chief & cross-examination and re-examination, if any, by taking an undertaking from the Complainant that he shall not claim the trap money. It is, therefore, submitted that since examination, cross-examination and re-examination, if any of the Complainant in the present case, are yet to be concluded, the trap money may not be released to the Complainant at this stage of the case.

8. Record perused.

9. The issue regarding release of trap money was comprehensively discussed by Hon'ble High Court of Delhi in *Manjeet Singh vs. State, Crl. MC No. 4485/2013 dated 10.09.2014*, wherein it has been held, “*The currency notes seized by the police may be released to the person who, in the opinion of the Court, is lawfully entitled to claim after preparing the detailed panchnama of the currency notes with their number or denomination; taking photographs of the currency notes; and taking a security bond*”.

10. Perusal of record shows that Complainant has already been examined qua the said case property i.e. aforesaid trap money and the mobile phone which have already been exhibited. Further, the prosecution has no objection if the equivalent amount of trap money be released or refunded to the Complainant after taking an undertaking of the Complainant in this regard.

11. Keeping in view the aforesaid discussion, the facts & circumstances of the case and the financial constraints of the

Complainant, **CBI is directed to pay an equivalent amount of trap money i.e. Rs.39,000/- to the Complainant, thereby keeping the trap money intact for the purpose of trial proceedings/ evidence, whenever required.**

12. The Complainant is directed to furnish an Undertaking to the effect that he shall not claim the trap money amount of Rs.39,000/- in future. IO/ HIO concerned shall take appropriate steps in this regard for compliance of this order as early as possible and **Compliance Report be submitted on the next date of hearing.**

13. In regard to release of mobile phone Samsung Galaxy-M, of the Complainant is concerned, Ld. Sr. PP has submitted that during trap proceedings, certain conversations were recorded in the mobile phone of the Complainant and the same are yet to be put to the Complainant and other prosecution witnesses. Therefore, Ld. Sr. PP has requested that the mobile phone may not be released to the Complainant.

14. In view of aforesaid submissions, since, the case is at stage of prosecution evidence and the recordings of the said mobile phone are yet to be put to the prosecution witnesses, **the aforesaid mobile phone cannot be directed to be released to the Complainant at this stage. Accordingly, said prayer of Complainant is declined.** The application stands disposed off in the aforesaid terms.

15. Copy of order be sent to the IO/ HIO concerned for information and necessary compliance.

16. Dasti copy be provided to the Complainant as well as to the Ld. Sr. PP.

**Announced in the open Court
on this 25th Day of February 2026**

**(Ajay Gupta)
Spl. Judge (PC Act): CBI-15
Rouse Avenue District Court
New Delhi/25.02.2026**