

Received on : 23/02/2026
Registered on : 23/02/2026
Decided on : 25/03/2026
Duration : 00 00 31
Y M D

**IN THE COURT OF 4th ADDITIONAL CHIEF JUDICIAL MAGISTRATE
GANDHIDHAM-KACHCHH**

CRIMINAL MISC. APPLICATION NO. 358 OF 2026.

Appearance:

Mr. P A Ravani : Learned Advocate for Applicant.
Mrs. M. A. Kotak : Learned A.P.P. for the State.

JUDGMENT

1. Applicant has filed this application under Section 490 of BNS to release the muddamal mobilee i.e. **OPPO K 12 X bearing IMEI No.86604704141452 and License**, which has been seized by Adipur Police Station in connection with the Cr. No.11993002260046/2026 under Section 8(c), 20(b) of NDPS Act.
2. Ld. Advocate for the applicant submitted that the said mobile is instrumental for the livelihood of the present applicant and his family and if the muddamal is kept in the police station for a longer time, it will get damaged. Hence, requested the Court to handover the muddamal. The applicant is ready to abide all the conditions that may be imposed by the Hon'ble Court.
3. Ld. APP Mrs. Kotak, for the State relied upon the police opinion and submitted that, as the accused has used the said muddamal in commission of offence, it should not be handed over to the present applicant till the final decision of the case.
4. Upon careful perusal of the entire facts of the present application and the list of documents submitted alongwith the application. It is undisputed fact that the present applicant is the owner of the said muddamal mobile. Under this circumstance, it is necessary to go through the judgment of Apex Court in the case of ***SUNDERBHAI AMBALAL DESAI VS STATE OF GUJARAT, AIR 2003 SC 638***, wherein it has been held that, within a period of six months from the date of production of the muddamal before the court concerned, needful be done. Moreover, the Apex Court also held and specifically directed that, articles should not be kept for a long time at the police station, in any case, for more than fifteen days to one month.

5. Hence, the Court is of the opinion that the muddamal be released and thus, passes the following interim order.

ORDER

- (1) The present application is hereby allowed.
- (2) The interim custody of the muddamal mobile is hereby granted to the applicant by this interim order subject to final disposal of this case.
- (3) The concerned Police Station is hereby directed to handover the muddamal mobile i.e. **OPPO K 12 X bearing IMEI No.86604704141452 and License**, to the applicant namely **Ravi Munna Vadecha**, after depositing 1½ amount of the total value of the muddamal mobile by way of surety in concerned police station on following conditions:
 - (i) At the time of handing over the muddamal the Investigating officer has to verify the ownership papers of the muddamal.
 - (ii) The applicant shall not transfer, gift or mortgage the said muddamal to any other person either till the final disposal of said Criminal Case or without permission of the court.
 - (iii) The applicant shall not use the said muddamal for committing any similar offence or illegal activities.
 - (iv) The applicant has to produce the muddamal as and when required by the Court and / or the Investigating Officer.

Pronounced in the open court on this 25th Day of **March, 2026**.

Date:- 25/03/2026

(Malvika Purohit)
4th Additional Chief Judicial Magistrate
Gandhidham-Kachch
UIC No. GJ 01351