

ORDER BELOW (EXH.25) IN
NDPS SESSIONS CASE NO.680/2021

1] Perused the application and say of investigating officer. Heard learned counsel for the applicant and learned APP for the State.

2] The learned counsel for the applicants has argued that the police has seized the mobiles- (1) Black coloured Vivo Y-30 and (2) Black Coloured Vivo company mobile of the applicants during the course of investigation. As they are the owners of the said mobiles, same may be handed over to them on interim custody and they will not dispose of it in any manner and will produce the same before the Court as and when required.

3] The investigating officer opposed the application contending that the seized contraband is commercial quantity. If mobiles are returned, there is possibility that applicants may use the mobile for committing similar nature of offence again.

4] The learned APP has also opposed the application and submitted that said mobiles are used by the applicants while commission of crime and, therefore, it may not be returned to the applicants.

5] It appears that accused was found in possession of 287 gram MD worth Rs.13,95,000/-. Police also seized the said Vivo company mobiles from their possession. The applicants was arrested and produced before the Court.

Thereafter remanded to police custody and they were taken into MCR.

6] In the case of **Viji Vs. State, AIROnline 2023 MAD 1506**, the Hon'ble High Court upheld the observation of the Trial Court observing that “ the cell phone was used for the communication of the transportation of the contraband”. The apprehension is expressed by investigating officer and learned APP regarding data of the mobile. In such facts and circumstances, I am of the view that applicants is not entitled to interim custody of the mobiles. Hence, application is liable to be rejected. In the result, I pass following order.

ORDER

Application (Exh.25) is rejected

Pune.
Date : 05/02/2025

(J. G. Dorle)
Judge
Special Court
Under N.D.P.S. Act
Pune.

CERTIFICATE

I affirm that the contents of PDF file Judgment are same word for word as per original Judgment.

Name of Steno : Shivaji N. Patil (Stenographer G-I)

Court name : Shri. J. G. Dorle
Special Judge
Under N.D.P.S. Act, Pune.

Judgment/Order delivered on : 05/02/2025

Judgment/Order signed by P. O. : 06/02/2025

Judgment/Order uploaded on : 06/02/2025