

IN THE COURT OF SESSIONS, ERNAKULAM DIVISION*Present:-***Sri. K N Prabhakaran, Additional Sessions Judge – I**Wednesday, 29th day of April, 2026/ 8th Vysagha, 1948**Crl.M.P No.1/2026 in S.C No. 505/2025**

(Crime No. 130/2025 of Thoppumpady Police Station)

**Petitioner/
Accused :**Augustine Joseph, S/o. Jose K Augustin, Age 34/25,
Kopparambil (H), Beach Road, Mattanchery.**By Adv. Stefin Thomas****Respondent/
Complainant :**State of Kerala, Represented by SHO, Maradu Police
station through Special Public Prosecutor, District
and Sessions Court, Ernakulam.**By Public Prosecutor Sri. Sajiv C Krishnan**

This petition filed Under Section 497(I) of the Bharathiya Nagarik Suraksha Sanhitha, 2023 to get interim custody of the personal belongings of the petitioner.

This petition coming on for hearing on 28.04.2026 and the Court on 29.04.2026 passed the following:

ORDER

The petition U/S 497 of BNSS.

2. The case of the petitioner/1st accused in short is as follows. He is alleged to have committed offence punishable U/s 22(b) of the NDPS Act. During the course of investigation Mobile Phone has been seized from the petitioner. It is required since all his contacts, banking details information are contained in the mobile phone. Therefore it is necessary for carrying out

their day today activities. He is ready to abide by any conditions.

3. Copy served.

4. Petition opposed.

5. Report filed inter alia contending that if the mobile phone is released to the petitioner, he is likely to conduct sale of the contraband by using the mobile phone. Therefore it cannot be granted.

6. Heard both sides.

7. There is no dispute as to the fact that the mobile phone belongs to the petitioner. The contention that by using the mobile phone he will conduct sale of the contraband is a wild assumption. There is no dispute as to the fact that the mobile phone belongs to the petitioner. Therefore the contention that it is required for the day today activities of the petitioner is not without any basis.

8. Therefore, the interim custody of Mobile Phone is given to the petitioner on obtaining sufficient security to ensure its production if it becomes necessary to confiscate this properties, subject to the following conditions:

- The petitioner shall execute a self bond for Rs.50,000/-. (Rupees Fifty Thousand Only).
- The petitioner shall produce the above item before court as and when

direction is given by the court for its production.

- The petitioner shall not make any change so as to make it unidentifiable.
- The petitioner shall not use the mobile in any offence.

Dictated to the Confidential Assistant, transcribed and typed by him, corrected by me and pronounced in open court on this the 29th day of April, 2026.

Sd/

K.N Prabhakaran
Additional Sessions Judge – I

Typed by: JJ
Comp.by:

**Crl.M.P No. 1/2026 in
S.C No. 505/2025
Order dated: 29.04.2026**