

IN THE COURT OF SESSION, KASARAGOD DIVISION

Present:Sri.Achindya Raj Unni,Vacation Judge
(Addl. District and Sessions Judge-III, Kasaragod)
Monday, the 11th day of May, 2026

Cr1.M.P.No.03 of 2026 in S.C.No.65/2026
(NDPS Cr.No.476/2026 of Manjeshwar Police Station)

Between:-

Hameed.K.A.Abdul @ Abdul Hameed.K.A
aged 49 years, S/o.Mohammed
R/at. Akbar Manzil, Kukkar,
Mangalpady, Uppala Village,
Kasaragod District

Petitioner/
Accused

AND

State: Station House Officer,
Manjeshwar Police Station
Rep. by Public Prosecutor,
Kasaragod

Respondent/
Complainant

Petition filed by the petitioner u/s.497 of BNSS
to release the mobile phone.

Petition presented on : 23.04.2026

This Petition coming on this day for hearing
before me in the presence of Sri.A.Gopalan Nair
Advocate for the Petitioner and Pubic Prosecutor
for the Respondent(State);the Court passed the
following:

O R D E R

The present petition is filed on behalf of the petitioner/accused number 2 under section 451 of Cr.P.C., for interim custody of his mobile phone, A156 Galaxy A15 5G 8GB+128GB Blue Black Samsung Mobile, which was seized and produced by the respondent before the Court.

2. **The case of the petitioner, in brief, is as follows:-** The Petitioner is the accused No.2 in S.C.No.65/2026 arising out of the Crime No.476/2025 of Manjeshwar Police Station against whom the offence punishable under Sections 20(b)(ii)(c) & 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 is alleged by the prosecution. The petitioner submitted that during the course of the investigation, Manjeshwar police seized the mobile phone of the petitioner and produced the same before the court, which is now kept under the custody of this Court. It is also stated that, as

an electronic device, the mobile phone will be damaged if it is not regularly charged and used. Hence, the petitioner filed the present petition seeking interim custody of his mobile phone during the impending trial.

5. Notice of the petition was given to the learned Public Prosecutor. The Public Prosecutor filed reports of the Station House Officer. According to the Station House Officer, the mobile phone has already submitted before the Court and the same was received by this Court as PR No.578/2025. The report further stated that the mobile phone was necessary for the trial of this case and had already been forwarded for cyber forensic examination. Hence, the prosecution stoutly opposed the application.

6. Heard.

7. Point raised for consideration:

1) Whether the petition is allowable?

8. **The Point:** - The report filed by the Station House Officer states that the mobile phone sought to be released is forwarded for cyber forensic analysis. The records further show that the said device was not returned after examination. If that be so, this Court is of the considered view that the prayer of the petitioner cannot be entertained at this stage. Hence, the petition is liable to be rejected.

In the result,

The petition is **dismissed**.

(Dictated to the Confidential Assistant, typed by him, corrected and pronounced by me in open court, this the 11th day of May 2026).

Sd/-

VACATION JUDGE

//True Copy//

Typed by : Reshmi
Compared by : Sajith

Fair/Copy of Order in
Crl.M.P.No.03/2026 in
SC.No.65/2026 in
Cr.No.476/2026 of
Manjeshwar Police Station
Dated:11.05.2026