

MHCH100004592026



**ORDER BELOW EXH.1**  
(Passed on 02.04.2026)

Perused the application and the documents filed along with it. It is contended that in crime No. 0018/2026, u/section 65 (E) of Maharashtra Prohibition Act, a Vivo Company's Y21 Mobile IMEI No. 861520069421217 and 861520069421209 came to be seized by police of Police Station, Mul. Applicant namely Umesh Tulsiram Patre is claiming to be the owner of the seized vehicle and mobile.

2) The I.O. has filed his say at Exh.5 opposed the application. The Ld. APP opposed the application on the ground that the said mobile is one of material piece of evidence and it's data/call details is the material evidence. The accused may sell or delete it's data/call details. Hence, prayed not to release the seized mobile on suprutnama of the applicant.

3) The Ld. Advocate for applicant filed on record the verified copy of purchase of bill of seized mobile, verified copy of Aadhar card and copy of FIR. The copy of bill of seized mobile shows that the applicant is the owner of the seized mobile. The I.O. and Ld. APP have opposed the application. However, if seized mobile is kept in the police station for long time, then it will remain unattended there and will be exposed to adverse seasonal conditions, which will result into the loss of its value and efficiency. The only safeguard which can be taken is to ensure the production of mobile. The documents filed on record shows that the applicant is the owner of the seized mobile. No other claimant

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came forward to claim the seized mobile. Hence, it appears that no purpose will serve in keeping the seized mobile lying in the police station. The possibility of the damage to it can not be ruled out if kept lying unattended in the police station. Considering all these facts and the directions of the Hon'ble Supreme Court in **Sundarbhai's case reported in AIR 2003, Supreme Court 638**, it will be just to handover the interim custody of the seized mobile to the applicant. Hence, it will be appropriate to release the seized mobile on following terms and conditions.

**ORDER**

- 1] The application is allowed.
- 2] The Police Station Officer of Police Station, Mul is hereby directed to release a Vivo Company's Y21 Mobile IMEI No. 861520069421217 and 861520069421209 in favour of the applicant Umesh Tulsiram Patre seized in crime No. 18/2026 on execution of supratnama bond of Rs.14,500/- on bond paper of Rs. 500/-, if not required in any other crime on the following conditions.
  - (i) The applicant shall produce the above said mobile as and when required by this Court.
  - (ii) The applicant shall not alienate the said mobile in any manner without prior permission of the Court.
  - (iii) The applicant shall not change the nature of the above said mobile so as to loss its identity.
- 3] The applicant shall execute an indemnity bond thereby undertaking to indemnity an amount of Rs.14,500/- (Fourteen Thousand Five Hundred Rupees Only) in case of his failure to produce the said mobile whenever required.

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4] The concerned I.O. is hereby directed to prepare detailed panchanama of above said mobile before releasing it in favour of the applicant on supratnama and take its photographs, at the expense of applicant, countersigned by the applicant.

5] Bond before police station.

6] Intimate to concern police station accordingly.

Mul.  
Date : 02/04/2026

(Q.A.N. SARWARI)  
Judicial Magistrate First Class,  
Mul.

Certificate

Certified that PDF copy of Order supra is word to word identical to the original Order.

Name of Stenographer	:	ANKIT V. GUPTA
Dictated on	:	02/04/2026
Checked on	:	02/04/2026
Signed on	:	02/04/2026
Uploaded on	:	02/04/2026