

MHGA090004362025



**IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS,
CHAMORSHI, AT GADCHIROLI
(Presided Over by S. A. Bhaisare)**

S.C.C. No. 281/2024
(State Vs Sandhya Bishwas)

Shri. Aaditya Manoj Bishwas,
Age 23 years, Occ. Agriculture,
R/o. Koparalli,
Tah. Mulchera, Dist. Gadchiroli.

... **APPLICANT**

VERSUS

State of Maharashtra,
Through Police Station Officer,
Police Station, Mulchera
Tah. Mulchera, Dist. Gadchiroli.

... **NON-APPLICANT**

Appearance : Advocate for the applicant : Shri. D.N.Raut
Spl. APP for State : Shri. D. V. Donadkar

Order Below Exh. 21
(Passed on 05th March, 2026)

1] The present application is moved by the applicant under S. 503 Bharatiya Nagrik Suraksha Sanhita, 2023 thereby soliciting to release the seized mobile VIVO T2X 5G bearing IMEI number 8651 59073785338/865159073785320 on supratnama.

2] Perused the application and reply thereon. Heard both sides.

3] Perused FIR, purchase bill of mobile bearing IMEI number 865159073785338/865159073785320 and Aadhar Card. The accused is charged with the offence punishable under S. 65(e), 83 of the Maharashtra Prohibition Act, 1949. It appears that the purchase bill of the mobile is in the name of applicant. The accused filed her say at Exh. 29 stating that she has no objection in releasing the same mobile in favour of the applicant.

4] Undoubtedly, the mobile is a movable property. If the property is not dealt properly and promptly, it is subject to speedy and natural decay thereby the owner of the mobile would suffer because of its remaining unused or by its misappropriation. No purpose would be served by keeping the property in the police station. The right of prosecution to have a fair trial can be protected by imposing necessary conditions. As such, no prejudice would be caused to prosecution if application is allowed. In this context, it is just proper to release the property in favour of applicant. Hence, the following order is passed.

ORDER

- 1] The application is allowed.
- 2] The seized mobile VIVO T2X 5G bearing IMEI number 865159073785338/865159073785320 be handed over to the applicant on execution of indemnity bond of Rs. 13,500/- until the disposal of the case or further order of this Court incorporating the following conditions :
 - a) He will produce the mobile as and when required before the Court.
 - b) He will not transfer or dispose it of in any manner

whatsoever without prior permission of this Court.

c) He will not alter, tamper or change the nature of the mobile in any manner whatsoever.

d) He will not use it to commit any offence.

- 3] If he fails to abide by any of the conditions, his bond would be forfeited.
- 4] For fair trial, Investigation Officer in crime no. 101/2024 is directed to prepare proper and detailed panchanama describing the nature of the property in details after taking colour photographs of the mobile and file the same with the charge-sheet.
- 5] The *afore* said photographs shall be signed by the complainant as well as the applicant.
- 6] The copy of this order be sent to Police Station, Mulchera to file it in crime no. 101/2024.
- 7] The Investigating Officer shall return the mobile to the applicant after verifying the ownership from the original bill.
- 8] Application is disposed of accordingly.

Date: 05.03.2026.

Sd/-
(S. A. Bhaisare)
Judicial Magistrate, First Class,
Chamorshi