

IN THE COURT OF DISTRICT JUDGE-1, & ASJ, GONDIA.

SPECIAL (NDPS) CASE NO. 77/2022.

(CNR NO.MHGO01001014-2022)

State, PSO, Duggipar -Vs- Sanjay Bansod +3

ORDER BELOW EXH. 36.

(Passed on this 23rd day of February, 2023)

This is an application filed by the applicant/accused No.1-Sanjay Kashinath Bansod for releasing the Mobile Model Vivo-Y-20G 4/64, 866588051759790, HSN/SAC Code 85171290 on suptrnama.

2] The applicant submits that his above said mobile of Vivo company was seized by Police Station, Duggipar in Crime No. 104/2022 for alleged offence punishable under Sec. 8(c), 20(c) & 29 of the NDPS Act. He further submits that he is the owner of said mobile phone. He is accused in the present crime and he has falsely implicated. The investigation in regards to the mobile phone is completed. He is bonafide owner of the said mobile phone and wants the said mobile for his daily work. He is ready to abide any condition. He has placed on record the documents along with list of document Exh.37 which are in respect of adhar card and mobile purchase bill/tax invoice. It shows the name of applicant as the owner of the said Mobile Model Vivo-Y-20G 4/64, 866588051759790, HSN/SAC Code 85171290.

3] I.O. has filed reply at Exh.38 and has opposed the application on the ground that applicant along with other co-accused used the said mobile in the said crime and is a prime evidence in this matter. He has prayed for rejection of application.

4] Learned DGP Shri Chandwani has filed say and opposed the application on the ground that the said mobile was used in the commission of offence and it is a piece of evidence which may be required at the trial. The applicant may disposed of the mobile. He has prayed for rejection of application.

5] Perused the documents on record. The applicant is the owner of the said mobile as per the bill filed along with list of documents Exh.37. The charge-sheet does not contain the CDR of the tower location of the cell number. This shows that the call data is not the evidence in the said case. The applicant/accused No.1 is released on bail. The mobile phone have now become necessity. It being not a evidence in the case, it can be released on supratnama. No purpose will be served by keeping idle the said mobile-phone. Appropriate conditions can be imposed to produce and preserve the said evidence. Hence, I pass following order.

ORDER

- 1] Application (Exh.36) is allowed.
- 2] The Mobile Model Vivo-Y-20G 4/64, 866588051759790, HSN/SAC Code 85171290 be released on executing supratnama bond of Rs.10,000/- on the following conditions;
 - (i) The applicant shall not change the colour or appearance of the Cell-phone/Mobile.
 - (ii) The applicant shall not sell, alienate or transfer the said Cell-phone/Mobile without prior permission of the Court.
 - (iii) The applicant shall produce the said Cell-phone/Mobile as and when directed by the Court.
- 3] Application is disposed of accordingly.

Gondia.
Dated: 23.02.2023.

Sd/-*
(Adil M. Khan)
District Judge-1 & ASJ,
Gondia.