



**In the Court of Judge, Special Court NDPS Act,
Nagpur.**

Presided over by
Shri M. S. Ganorkar.

Misc. Cri. Appln. No. 86 of 2026.

CNR No: MHNG010025082026.

Crime No.446 of 2025, P.S. Wathoda.

Ashish S/o Diliprao Kale.

V/s

State of Maharashtra.
(Through P.S.Wathoda.)

ORDER Below Exh.1

(Passed on this 1st April 2026)

1. This is an application for releasing mobile handset SAMSUNG MOBILE GALAXY S24 FE (8/256) BLACK Company as an interim custody under Section 503 of the Bhartiya Nagarik Suraksha Sanhita.
2. Heard learned Advocate for Applicant and Learned A.P.P. Perused record.
3. In the light of this facts emerged, submissions by Applicant and material on record, following points arise for determination before this Court. The said points and findings thereon which follow reasons as:

Point For Determination.

Sr. No.	Point	Finding
1.	Whether the Applicant made out case as to release mobile handset, as a interim custody in Application given set of facts?	...No.
2.	What order?	...Application rejected as per final order.

REASONS***As to Applicant point no.1:***

4. Applicant filed instant application for custody of mobile handset of SAMSUNG MOBILE GALAXY S24 FE (8/256) BLACK Company seized by police in the crime which case is pending for the offence punishable under Section 8(c), 22(C) and 29 of N.D.P.S. Act vide Crime No.446/2025, registered at Police Station Wathoda Nagpur. Applicant is owner of this mobile and it is necessary for him day to day use. Applicant is ready to abide by all conditions and produce said mobile, if interim custody is allowed. Applicant has filed on record purchased bill of mobile, which shows that Applicant is owner of aforesaid mobile. Keeping aforesaid seized mobile unused in police station, will deteriorate its condition. Hence, prayed to release seized mobile.
5. Learned APP opposed application and submitted that a serious offence has been committed by Applicant and mobile is material piece of evidence and aforesaid mobile has been seized from accused and if released on bond, it will be again used for similar offence and Therefore, application be rejected.
6. Undoubtedly, accused are facing prosecution for aforesaid offence and property came to be seized during course of investigation. It

appears that mobile used by Accused is important piece of evidence containing electronic record, it cannot be handed over on interim custody to applicant. Therefore, I pass Applicant following order :-

ORDER

1. Application is hereby rejected.

Dictated and pronounced in open Court.

Nagpur

(Manish S. Ganorkar)

Dated : 1st April 2026.

Judge Special Court (N.D.P.S.Court)
Nagpur