



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

Presided over by  
Shri M. S. Ganorkar.

**Special case No.472 of 2025**

CNR No: MHNG010086572025.

Crime No.364 of 2025, P.S. Kapil Nagar.

***State of Maharashtra.***  
(Through P.S.Kapil Nagar.)  
V/s.  
Shrijan Pande and Ors.

**Applicant - Shrijan Brijesh Pandey.**

**ORDER Below Exh.18**

(Passed on this 12<sup>th</sup> August 2025)

1. This is an application for releasing mobile handset Apple I Phone 13 128 Red Colour 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.**

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

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

4. Applicant filed instant application for custody of Mobile Handset Apple I Phone 13 128 Red Colour seized by police in the crime which case is pending for the offence punishable under Section 8(c), 22(b) and 29 of N.D.P.S. Act vide Crime No.364/2025, registered at Police Station Kapil Nagar, Nagpur. Applicant 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. After perusal of the record it appears that applicant arrested on 17/05/2025, and allegedly from his possession alleged contraband was found and one mobile handset have been seized. The applicant is

already released on bail. It is submitted that the applicant is in need of mobile handset as same is seized from the accused. It is submitted that in the present crime charge-sheet is filed and no CDR and SDR filed by the prosecution on record, therefore, it shows that the alleged mobile has no more concerned with seizure of the contraband.

7. Considering these aspects that prima facie said mobile handset is not subject to the confiscation. No CDR and SDR are obtained by police. Hence, if not required in evidence. Moreover, the applicant is ready to abide by any condition as imposed by this Court. Hence, finding to point No.1 is recorded as “**Affirmative**” and proceed to pass following order.

### ORDER

1. Application is allowed.
2. The mobile handset Apple I Phone 13 128 Red Colour be given to the applicant ***Shrijan Brijesh Pandey*** as interim custody on executing indemnity bond of Rs.35,000/- with conditions.
3. Applicant shall undertake that not disposed of the said mobile till final report filed by the investigation agencies.
4. Applicant further directed to produce mobile handset as and when called by this Court or any other superior Court in any proceeding arising out of the Crime.
5. Bond be executed before the Investigating officer.
6. Due panchnama be drawn as delivery of the mobile handset delivered to the applicant and detail panchnama be filed along with final report, if any arising out of this Crime.

Dictated and pronounced in open Court.

Nagpur

Dated : 12<sup>th</sup> August 2025.

(Manish S. Ganorkar)

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