

Criminal Misc. Appln. in Spl. Case (NDPS) No.535/2023
State ..vs...Anwaz Khan and ors.

Applicant :- Nehal Khalil Ahmad Sayani.

ORDER BELOW EXH.49

(Passed on this 24th November 2023)

1] I have heard learned Advocate for the applicant and Learned A.P.P.

2] The applicant/accused Nehalk Khalil Ahmad Sayani, filed the instant application for custody of mobile handset of REDMI 9 Company seized by the police in the crime in which the case is pending for the offence punishable under Section 8(c), 21(b) and 29 of N.D.P.S. Act in Crime No.661/2023, registered at Police Station Tahsil, Nagpur. As per the applicant, she is the owner of this article and it is necessary for her day to day use. She is ready to abide by all conditions and produce the article if interim custody is allowed.

3] Learned APP opposed the application and submitted that said mobile seized from the accused, there is conversion data and economical transaction relating to drug in the said mobile having evidentiary value. If the said mobile released there is possibility of tampering or destroy the evidence. Therefore, application be rejected.

4] Undoubtedly, the accused is facing prosecution for the

aforesaid offence and the property came to be seized during the course of investigation. It appears that the mobile used by the applicant/accused is important piece of evidence containing electronic record, it cannot be handed over on interim custody to the applicant. Therefore, I pass the following order :-

O R D E R

The application is rejected.

Nagpur :

Dated : 24.11.2023

(P.Y. Ladekar)

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