

MHNS190003372026



ORDER BELOW EXH. 1 IN
CRIMINAL M. A. No. 70/2026
(Shivaji Pundlik Jagtap Vs. State)

This is an application filed by the applicant and thereby prayed that Mobile i.e. Apple company, Model No. I Phone-17, seized by State Excise Dept., Crime No.47/2026 registered under section 65(a), (b), (c), (d) and 80, 81, 90 of the Maharashtra Prohibition Act, 1949.

2. APP and Investigating Officer opposed the application and submitted that if the mobile is released on supurtnama then there is possibility that applicant will use it for committing similar kind of offence. Therefore, they prayed for rejection of the application.

3. Heard Both sides at length. The applicant contended that he is in need of said mobile for his use and it's detention causes obstruction.

4. On perusal of record, it appears that in the present crime mobile has been seized by the police and the applicant is praying for its custody. The applicant claiming to be owner of mobile. Documents such as copy of FIR, purchase invoice, Adhar card are produced on record by the applicant in support of his claim. Therefore, the mobile be returned to applicant after imposing certain conditions will serve the purpose of litigation.

5. Considering above mentioned facts above mobile be returned to applicant after imposing certain conditions will serve the purpose of litigation. Hence, I am passing the following order :-

ORDER

- i. The application is allowed.
- ii. The interim custody of Mobile i.e. Apple company, Model No. I Phone-17, seized by State Excise Dept., Crime No.47/2026 registered under section 65(a), (b), (c), (d) and 80, 81, 90 of the Maharashtra Prohibition Act, 1949, be given to applicant.
- iii. The applicant to execute indemnity bond of Rs.70,000/- (Rs. Seventy Thousand only).
- iv. The applicant to produce on record photographs of the said Mobile in different angles. The investigating officer is directed to allow the applicant to take photographs of said Mobile on his own expenses.
- v. The applicant should not sale or create any third party interest in the said Mobile. He should not change the nature of said Mobile in any manner.
- vi. The applicant should produce the said Mobile as and when directed by the Court and he should not indulge himself and Mobile in the similar kind of offence.

Dated :- 17.03.2026

**(D. M. Gulati)
Judicial Magistrate First Class,
Yeola, Dist. Nashik.**