

CNR No.- MHNS-2000-0158-2026

**Order below Exh.1**

This is an application filed under section 503 of B.N.S.S.

2. The applicant contended that, he is the owner of the Mobile i.e. **Iphone 13 pro, IMEI No. 1 : 356144896389851**. The said mobile has been seized by the State Excise Department in Cr.No. 697/2025 in section 65(a)(e) of Maharashtra Prohibition Act.

3. The applicant further submitted that he is in need of aforesaid mobile for his daily use. If the said mobile is kept idle with the State Excise Department without use, it may cause rusting of parts of the mobile and may cause monetary loss of applicant. Due to the seizure of the mobile the applicant is unable to utilize the same. He showed ready and willingness to remain abide by all the conditions imposed by the court at the time of releasing the mobile.

4. The notice was issued to the I.O. and A.P.P. for filing their say and raising objections if any. I.O. opposed the application on the ground that the investigation is incomplete and A.P.P. also raised objection and prayed for rejection.

5. Heard both sides and gone through the affidavit

and documents. The applicant has filed verified copy of purchase receipt of said Mobile and his Adhar card. These documents shows that he is owner of seized mobile. Hence, there is no doubt with respect to ownership of aforesaid mobile. No-one other than applicant has applied for the custody of seized mobile. Hence, it is desirable to grant interim custody of seized mobile with applicant.

6. Hon'ble Supreme Court in case of *Sunderbhai Ambala Desai V/s. State of Gujrat, reported in A.I.R., 2003, S.C.638*, has held that as there is no reason for keeping the vehicle in police station without use, it must be released and given in the interim custody of proper person. Considering the fact of ownership, the application deserved to be allowed in favour of applicant. At the same time for securing the presence of aforesaid vehicle as and when required during trial, reasonable conditions must be imposed. Hence, I pass the following order by imposing following restrictions.

### ORDER

1. Application is allowed.
2. Seized muddemal i.e. **Iphone 13 pro, IMEI No. 1 : 356144896389851** be given in the interim custody of applicant on executing Indemnity Bond of Rs. 1,50,000/- ( Rs. One lac fifty Thousand only ) on

Stamp of Rs. 200/-.

3. The indemnity bond be execute before this court. The I.O. to produce the same along with the charge-sheet.
4. The applicant shall produce the mobile i.e. **Iphone 13 pro**, **IMEI No. 1 : 356144896389851** as and when required by the court. The applicant shall not transfer the said **Mobile** same till the disposal of the case.
5. Applicant shall not make any material change in the appearance of the said **Mobile**.
6. The applicant shall furnish to the investigating officer two self attested coloured photographs of the said **Mobile** for the identification. The investigating officer shall facilitate the photographs.
7. I.O. is directed to obtain residential as well as identity proof of applicant.

Place :- Sinnar.  
Date :- 10/03/2026

( **Shri. L. C. Wadikar** )  
Judicial Magistrate, F.C., Court,  
Sinnar.