

CNR No.- MHNS-2000-0444-2026

Order below Exh.1

(Yogesh Popat Girhe
v/s
State of Maharashtra by
Forest Range Officer Sinnar Regional)

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

2. The applicant contended that, he is the owner of Mobile i.e. **LAVA Company YUVA SMART** phone, **Model No. LZG409, IMEI : 358261308356159**. The said mobile has been seized by the Forest Range Officer Sinnar Regional, Cr. No. WL-02/2025-26.

3. The applicant further submitted that he is in need of aforesaid mobile for his domestic daily use. If the said mobile are kept idle with the Forest Range Officer Sinnar Regional 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 mobile. He showed ready and willingness to remain abide by all the conditions imposed by the Court at the time of releasing the vehicle.

4. The notice was issued to the I.O. and A.P.P. for filing their say and raising objections if any. I.O. took objection for releasing the said mobile. I.O. opposed application on the ground that the confiscation proceeding is started. Ld. A.P.P. submitted that the mobile are used in

committing forest cr. no. WL-02/2025-26 offence p/u/s. 26(1)(D) of Indian forest Act and Indian Wild Life Protection Act offence p/u/s. 2(16)(b), 9, 39, 50. Application is illegal and false and raised objection and prayed for rejection.

5. Heard both sides and gone through the affidavit and documents. The applicant has filed FIR, Original receipt of mobile phone and his Aadhar card. These documents shows that he is registered owner of seized mobile. Hence, there is no doubt with respect to ownership of aforesaid mobile. The objection with respect to confiscation is raised. The act provides the procedure for confiscation with respect to forest goods. The allegations are with respect to possibility of commission of hunting of wild animal. The mobile allegedly seized will not be the forest goods. 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 mobile 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. Mobile i.e. **LAVA Company YUVA SMART** phone, **Model No. LZG409**, **IMEI No. 1 : 358261308356159** be given in the interim custody of applicant on executing Indemnity Bond of Rs. 1,00,000/- (Rs. One lac only) on Stamp of Rs.200/-.
3. The indemnity bond be executed before this court. The I.O. to produce the same along with the charge-sheet.
4. The applicant shall produce the mobile as and when required by the court. The applicant shall not transfer the mobile same till the disposal of the case.
5. Applicant shall not make any material change in the appearance of the mobile.
6. The applicant shall furnish to the investigating officer two self attested Colored photographs of the 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 : 04/08/2026.

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