

**ORDER BELOW EX.47 IN SPECIAL CASE NO.4/2026**

(CNR No.MHRT-01-000147-2026)

1. This application is filed by the applicant/accused no.2 viz: Rizwan Ashraf Nawde, r/o. House No.220, Rajiwada, Ratnagiri, Tal. & Dist. Ratnagiri, for return of properties, i.e. gray colour Honda Activa 3G, RTO registration No.MH-08-AH-9249, Chasis No.ME4JF506MF T039623, Engine No.JF50ET4039827 and Oppo A5 mobile, IMEI No.867242078527496 having SIM card No.766679774 seized by Ratnagiri City Police Station, Tal. & Dist. Ratnagiri in CR No.11/2026, for the offences punishable under Sections 8(c), 22(b) 29 of the NDPS Act, 1985.

2. It is contended by the applicant/accused no.2 that he is the owner of the aforesaid motorcycle and mobile which are seized by Ratnagiri City Police Station in CR No.11/2026. The said motorcycle and mobile are in Ratnagiri City Police Station. The applicant/accused no.2 further submitted that if the motorcycle and mobile remained at the police station, its spare parts will get damaged and he will suffer loss due to its non-use. The said motorcycle and mobile is used for his day to day life and if it is not used its parts and battery will get off and will become no use forever. Therefore, the applicant/accused no.2 prayed for return of the said motorcycle and mobile. Applicant/accused no.2 has also filed affidavit to substantiate his contentions in the application.

3. The I.O. has filed say at Exh.52 and submitted that the said motorcycle and mobile are the part of evidence and if it is missing, the evidence against accused will be finished. It is also submitted that accused will again use the said motorcycle and mobile for committing similar offence in future. Finally, it is prayed to reject the application.

4. Opponent no.1, 3 and 4 have given no objection to hand over said motorcycle and mobile to the applicant/accused no.2 by filing

their say at Exh.51.

5. Heard learned APP Shri. A. A. Phansekar for the State and learned Advocate Shri. S. S. Shaikh for the applicant/accused no.2. Perused the application and documents.

6. Applicant/accused no.2 has filed on record photocopies of RC Book of Activa Motorcycle, registration receipt, receipt of purchase of mobile of Oppo 5 and his Aadhar card etc.

7. It appears that the motorcycle and mobile have been seized from the custody of the accused no.2. Applicant/accused no.2 is the owner of said motorcycle and mobile. I.O. also has strongly objected the application for handing over motorcycle and mobile phone to applicant/accused no.2. The aforesaid motorcycle and mobile are lying with Ratnagiri City Police Station. There is no reason to keep the seized motorcycle and mobile with police station. As far as fear of I.O. is concerned, necessary conditions can be imposed on the applicant regarding producing the same at the time of evidence before the Court. Hence, the following order :-

### **ORDER**

1. The application is allowed.
2. Police Inspector, Ratnagiri City Police Station, is hereby directed to return the property i.e. gray colour Honda Activa 3G, RTO registration No.MH-08-AH-9249, Chasis No.ME4JF506MF T039623, Engine No.JF50ET4039827 and Oppo A5 mobile, IMEI No.867242078527496 having SIM card No.766679774 seized by Ratnagiri City Police Station, Tal. & Dist. Ratnagiri in CR No.11/2026, for the offences punishable under Sections 8(c), 22(b) 29 of the NDPS Act, 1985, to the applicant, on executing a bond/Supurtanama of Rs. 1,20,000/- (Rupees One Lakh Twenty Thousand Only) by the

applicant/accused no.2, for the aforesaid motorcycle and mobile, on condition that not to dispose, alter, transfer, sell, alienate the said mobile without permission of this Court and produce the same as and when asked to produce the same by I.O. and this Court.

3. Police Inspector, Ratnagiri City Police Station, is hereby directed to prepare detail panchanama and also to snap photographs, of the aforesaid motorcycle and mobile, before returning the same to the applicant/accused no.2.

**Date:- 24.04.2026**

**(A. M. Ambalkar)**  
**Judge, Special Court, Ratnagiri.**

I affirm that the contents of this P.D.F. file order are same, word to word, as per the original order.

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|-----------------------------|----|-----------------------------------|
| Case Number                 |    | Spl. Case No.4/2026               |
| Name of Stenographer        | :- | Mr. Rajesh Ganpat Rahate          |
| Name of Court               | :- | Judge, Sessions Court, Ratnagiri. |
| Date of Dictation           | :- | 24-04-2026.                       |
| Order signed by the P.O. on | :- | 24-04-2026.                       |
| Order uploaded on           | :- | 24-04-2026.                       |