

Order passed below Exh.43 in NDPS Special Case No.7/2023

1. Applicant/accused no.3 Abdul Matin Hasanmiya Dongarkar has filed this application for granting interim custody of the Vivo Company Y22 6/128 having SIM card slot No.1-867095067022659 SIM card slot No.2-867095067022642 and another mobile Goving Gold Colour, FL 95, 6/ 128 model having two SIM cards of Jio company under section 497 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

2. Facts of the case are as under :

Applicant / accused No.3 is the owner of the said two mobile handsets which were seized by Ratnagiri City Police Station in C.R. No.38 of 2023 in his personal search by police. For getting interim custody of said two mobile handsets, application has been filed before this trial Court.

3. Heard Adv. Smt. S. C. Bhatkar for applicant/accused no.3 and Shri. A. A. Phansekr, APP for the State. Perused the title documents produced alongwith application.

4. Applicant/accused no.3 is the registered owner of the said two mobile handsets, is not a disputed fact. Moreover, original purchase receipts are also filed on record to substantiate this fact.

5. In present case, situation indicates that applicant/accused no.3 is the registered owner of the said two mobile handsets. Investigating Officer has given say at Exh.52 and submitted that if Court come to conclusion to return the said muddemal, the proper terms and conditions be imposed while returning the said two mobile handsets to the

applicant. Considering such aspects, I hold that unnecessary detention of seized mobile handsets is improper. I pass following order.

ORDER

1. Application is allowed.
2. Seized Vivo Company Y22 6/128 having SIM card slot No.1-867095067022659 SIM card slot No.2-867095067022642 and another mobile Goving Gold Colour, FL 95, 6/ 128 model having two SIM cards of Jio company be handed over to the applicant/accused no.3 Abdul Matin Hasanmiya Dongarkar on furnishing bond of Rs.25,000/- (Rs. Twenty Five thousand Only) subject to condition that, applicant shall not allow anybody to use these mobile handsets in any other crime and he shall produce the said two mobile handsets in the Court as and when required and he shall not alienate the same, till conclusion of trial.
3. Bond to be furnished before Concerned Police.

(Dictated and pronounced in open Court.)

Date :27/09/2024.

(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.

Case Number		NDPS Special Case No.7/2023
Name of Stenographer	:-	Shri. Rajesh G. Rahate
Name of Court	:-	Special Court, Ratnagiri.
Dictated on computer by the P.O.on	:-	27/09/2024
Order signed by the P.O. on	:-	27/09/2024
Order uploaded on	:-	27/09/2024