

MHWR010011632026

**In the Court of Additional Sessions Judge, Wardha.**O.M.C. No.63/2026Sheikh Amir Sheikh Hamid .. **Applicant/Accused****..V/s..**State of Maharashtra,
Through Police Station, Wardha(City). .. **Non-applicant****Order below Exh.1**(Passed on 3rd August, 2026)

1] The present application has been filed by the applicant/accused seeking release of his mobile handsets Vivo Y-300 (8/128), IMEI No.86617107900 and Vivo Y-16 (4/64), IMEI No.862682062655115 seized in Crime No.827/2026 registered for the offence punishable under Section 8(C), 22(B), 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Wardha(City) Police Station.

2] Heard learned Advocate for applicant/accused and learned A.P.P.

3] The Investigating Officer filed his reply at Exh.7 and strongly opposed the application on the ground that if mobiles returned to

the applicant, he may use the same for commission of similar crime.

4] It is not in dispute that Wardha(City) Police seized above mobiles of the applicant/accused in above crime. The applicant/accused has produced on record his Adhar Card and bills of said mobile phone. It prima facie appears that the applicant/accused is the owner of the seized mobile phones and it was seized from his possession. The Hon'ble Apex Court in the landmark case of **Sundarbhai Ambalal Desai V/s State of Gujarat, AIR 2003 SC 6827** held that no purpose is served by keeping seized vehicle or articles at police station for long period. Seized article should be returned to the rightful owner after taking proper precaution so that the owner does not suffer and the evidence is preserved. Leaving the mobiles of the applicant/accused in police station for indefinite period will lead to its deterioration and natural decay. Hence, keeping the mobiles in police station would not serve any purpose of prosecution. Under the circumstances, the applicant is entitled to interim custody of the said mobiles, subject to appropriate conditions. Hence, the following order is passed.

Order

(i) The present application is allowed.

(ii) The mobile handset Vivo Y-300 (8/128), IMEI No.86617107900 and Vivo Y-16 (4/64), IMEI No.862682062655115, seized in Crime No.827/2026 by Wardha(City) Police Station, be provisionally released in favour of the applicant/accused on execution of an indemnity bond of Rs.20,000/- each (Rupees Twenty Thousand only) before this

Court.

(iii) The applicant/accused shall not change the colour of the said mobile phones nor make any modification so as to alter its identity. He shall not delete any data or WhatsApp conversations till final disposal of the case.

(iv) The applicant/accused shall not sell, transfer, or create any third-party interest in the said mobile phones till final disposal of the trial.

(v) The applicant/accused shall produce the said mobile phones along with its SIM card and memory card before the Court during trial, if so directed.

(vi) The applicant/accused shall produce a new memory card of required capacity for taking data backup. The P.S.O., Wardha(City) Police Station, is directed to take backup of the inbuilt memory and SIM card data of the mobile phones, preserve the same till final disposal of the case, and thereafter hand over the mobile phones to the applicant/accused.

(vii) Inform the concerned Police Station accordingly.

(S.T. Soor)
Additional Sessions Judge,
Wardha.

Dated: 03.08.2026.

C E R T I F I C A T E

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

(Madhav A. Chaudhari)
Stenographer