

JO CODE WB00753
C.R.(NDPS) 107/25 (CIS NO. 107/25)

Order No.14

Dated 04.05.2026

Today is fixed for appearance and IO report regarding return of mobile phone.

Accused persons Motibul Rahaman and Biswajit Singha on C/B are present and file hazira. None moves for the other 03 accused persons.

One petition for accused persons Motibul Rahaman and Biswajit Singha files for waiving of bail condition.

Heard both sides. Considered.

As the charge sheet has been submitted and there is no adverse report against the accused persons, their thana hazira is waived.

A report is received today from SI Md Mafizuddin Naxalbari PS along with seizure list, zimmanama and Form Part-B.

In view of the letter of the local Bar Association dtd. 02.05.2026 not to pass any adverse order, the case is adjourned for the ends of justice.

Ld. Advocate for the petitioner Amina Khatun (w/o accused Motibul Rahaman) prayed for release of the seized mobile phone as per the police report received today on imposing suitable conditions.

I have perused the IO report which reveals no objection from the side of the IO in releasing the seized mobile vide seizure list dtd. 19.08.2025 (VIVO V-40, purple colour with two SIM cards).

The Ld. PP in charge present raised no objection in view of the IO report, if the seized mobile is released to the petitioner on conditions to be imposed by the Ld. Court.

I have considered the report of the IO submitted today on 04.05.2026. It appears that the IO has raised no objection. Moreover, the supporting papers confirm the ownership of the seized mobile in the name of the petitioner Amina Bibi. Further C/S has been submitted

I do not find any basis to refuse the prayer of the petitioner. She is entitled to get back her mobile phone which has no nexus with the alleged crime as per the report submitted by the police. It should be returned imposing certain condition.

Accordingly, **Ordered** that the petition for release of the seized mobile phone (VIVO V-40, purple colour with two SIM cards) as per seizure list dtd. 19.08.2025 is **allowed** on contest.

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contd....Order No.14

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The petitioner owner is hereby granted interim custody of the seized mobile phone on furnishing cash security undertaking of Rs.5,000/- with conditions as enumerated below:

- not to change the nature and character of mobile phone,
- not to transfer or sell the same or part with the ownership of her mobile phone till conclusion of the trial,
- the mobile phone shall not be used for the commission of any offence,
- the petitioner owner is subject to appearance before this Ld. Court as and when called for till the conclusion of trial or till confiscation proceedings, if initiated,
- that she shall surrender the mobile phone within clear seven days of the direction of the learned Court and if not, shall pay the prevalent market value of the mobile phone.

The I.O. shall release the seized mobile phone on receipt of this order after preparing a video and still photographs of the mobile phone and after obtaining all documents necessary for identification of the mobile phone, which shall be authenticated by the I.O. and the petitioner owner and respectively signing the same. The photographs from all sides of mobile phone, video, and documents should be kept preserved in the CD of the case for future reference and use by the learned Court.

Let a copy of this order be sent to the O/C, Naxalbari PS for information and compliance.

To **15.06.2026** for appearance, physical production, copy supply and compliance report regarding mobile release order.

D/C

Sd/-
Judge, Special Court
(NDPS), Siliguri

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(NDPS), Siliguri