

Order No. 11 Dated 09.03.2023

The record is put up by petition filed on behalf of the petitioner, who files an application duly supported by an affidavit praying for intermediate custody of seized VIVO 1819 mobile phone.

Perused the same as well as other materials on record.

Heard the Ld. Counsel for the petitioner as well as the Ld. Counsel for the prosecution.

It is manifest from the record that the petitioner had prayed for intermediate custody of aforementioned seized mobile phone by way of an application dated 16.02.2023. Pursuant thereto, a report was called for, from the I/O. Today the I/O has submitted a report stating that the petitioner Saroja Kumar Swain is in fact the registered owner of seized Vivo 1819 mobile phone. It is further stated that the said mobile phone was seized as personal property of the accused person and not as one in connection with this case. Accordingly, I find no impediment to allow the instant application for allowing intermediate custody of the seized article to the petitioner. Consequently, the petition dated 16.02.2023 by the petitioner Saroja Kumar Swain for intermediate custody of Vivo 1819 mobile phone, seized as personal property as the accused person, is considered and allowed.

Perused the same as well as other materials on record.

Heard the Ld. Counsel for the appellant.

The I/O is directed to facilitate return of Vivo 1819 mobile phone seized as personal property of the accused Saroja Kumar Swain in reference to Howrah GRPS case no. 69/2021 dated 30.12.2021 u/s. 20(b)(ii)(B) of the NDPS Act, but only after causing proper identification and verification, and after complying of the guidelines of the Hon'ble Supreme Court in this regard as laid down in **Sundarbhai Ambala Desai vs State of Gujrat, AIR 2003 SC 638**, subject to furnishing a personal bond of Rs.10,000/-, subject to further condition that the petitioner shall not alienate the same and produce the same before the court as and when called for.

Fix 02.06.2023 for service of copy u/s. 207 of the Cr.P.C.

To date for production of accused person.

Let a copy of this order be sent to I/O of this case for information.

Dict & corrected by me.

SPJ

Judge, Special Court -Cum-
Additional Sessions Judge,
3rd Court, Howrah.