

Present : Shri Soumen Sarkar.

**Judge, Spl. Court under NDPS Act,
ADJ, 3rd Court, Purulia.**

JO Code No. WB00889

N.D.P.S. Case No.08 of 2024

Order No.10

Dated 19-02-2025

This day is fixed for hearing the petition regarding return of seized mobile phone.

Ld. Spl P.P namely Sri Gangadhar Mahato is present and filed hazira and produced the case diary.

The accused Lalchand Das on interim bail is present and filed hazira.

Ld. Defense Counsel has filed one petition for confirmation of interim bail.

Interim bail is extended till next date.

Case record is taken up for hearing the petition of the accused for return of the seized mobile phone.

The Ld. Advocate for the accused submitted that the mobile phone of the accused was seized on 09-12-2024 and till date the IO has got ample opportunity to investigate on the said mobile phone but still the IO has given a lame excuse in the report against the prayer of the accused stating that the said mobile phone will be required to unearth the entire racket and to extract evidence. Moreover, Ld. Advocate for the accused submitted that the mobile phone is an essential gadget for a person in his day to day life and the accused is facing hardship in his business due to non-availability of the said mobile phone with him. Thus, the Ld. Advocate for the accused prayed for an order to return the seized mobile phone with the SIM card to the accused person on any condition.

Ld. Spl. P.P raised cavil stating that the data of the mobile phone with the call details may be manipulated by the accused person if it is handed over to him at this stage of investigation.

After hearing trenchant submissions of both the sides I have carefully tracked over the materials of the case diary and deciphered that till date mobile phone and the SIM card were not sent to any Forensic Laboratory by the IO for the purpose of extracting data therefrom. It is pertinent to note here that about 2 months have elapsed since the seizure of the mobile phone with the SIM inserted on it and the period seems to be enough for the IO of this case to extract relevant information from the mobile phone and SIM Card. This Court agrees with the submission of the defense that mobile phone is an essential device for a man in this modern world of technology and it is more essential for a businessman. Keeping in mind that the IO has got sufficient time to investigate on the mobile phone and the SIM, this Court does not find any reason for raising objection against the prayer of the accused.

Therefore, this Court is of the view that the prayer of the accused person should be allowed and the seized mobile phone with the SIM card should be handed over to the accused on his executing a Zimmanama Bond of Rs.10,000/- with the undertaking to produce the same as and when called for.

Hence, the prayer of the accused for handing over the seized mobile phone along with its SIM card is allowed on contest.

Let the seized mobile phone with the SIM be returned to the accused on his executing a Zimmanama Bond of Rs.10,000/- with the undertaking that he will produce the same before the I/O or before the Court as and when called for.

The IO is directed to get the data of the mobile phone and SIM card cloned and preserve the same in any memory device before handing over the seized mobile phone and the SIM

Contd.....

N.D.P.S. Case No.08 of 2024

Contd.....

Order No.10

Dated 19-02-2025

Card to the accused person. It is hereby made clear that the IO must handover the seized mobile phone and SIM card to the accused person within one month of this order.

Let a copy of this order be sent to IO of this case for information and necessary compliance.

The case is adjourned today.

Fixing **26-03-2025** for IO's report.

CD be returned at once.

Accused Lalchand Das must be present on the date fixed positively.

Dictated & Corrected by me

Sd/-
**Judge, Spl. Court under NDPS Act,
ADJ, 3rd Court, Purulia.**

Sd/-
**Judge, Spl. Court under NDPS Act,
ADJ, 3rd Court, Purulia.**