

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION (POSSESSION OF MUDDAMAL)
NO. 6536 of 2026**

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RANJITBHAI DHIRUBHAI PADHAR
Versus
STATE OF GUJARAT

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Appearance:

MR LAXMANSINH M ZALA(5787) for the Applicant(s) No. 1
MR PRANAV DHAGAT, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE M. R. MENGDEY**Date : 24/06/2026****ORDER**

Rule returnable forthwith. Learned APP waives service of notice of rule for and on behalf of respondent No.1.

1. The petitioner has preferred this petition, seeking to invoke extraordinary jurisdiction of this Court under Article 226 and supervisory jurisdiction under Article 227 of the Constitution of India so also inherent powers of this Court under Section 528 of the BNSS with a prayer to release Muddamal being Vivo Company mobile phone V-235G having IMEI No.861362051217612 and Realme Company 15 5G having IMEI No.867624075089978 seized in connection with the FIR registered as C.R.No.11192007250235 of 2025 with Nalsarovar Police Station, District: Ahmedabad for the offences punishable under the provisions of NDPS Act.

2. It is the case of the petitioner that petitioner is the owner of the aforesaid muddamal in question and therefore, he is before this Court.

3. Heard learned advocate for the petitioner and learned APP for the respondent State.

4. Learned advocate appearing for the petitioner submitted that this Court while exercising the powers under Article 226 of the Constitution of India, also takes into account the ratio laid down in the case of **Sundarbhai Ambalal Desai Vs. State of Gujarat, (2002) 10 SCC 283**, wherein, the Apex Court has passed directions to dispose of the claim of seized muddamal expeditiously.

5. Learned Additional Public Prosecutor has opposed this application and states that looking to the averments made in the FIR, the petition is liable to be dismissed.

6. This Court in the cases of **Anilkumar Ramanlal Mehta Vs. State of Gujarat (SCR.A/2185/2018)** and **Musa Khan Jat Vs. State of Gujarat (SCR.A/7190/2017)** have released the muddalam i.e. vehicle in question by exercising the power under Articles 226/227 of the Constitution of India. After referring to the directions issued in the case of **Sundarbhai Ambalal Desai (supra)** by the Apex Court and subsequent orders passed by this Court as well as considering the facts and circumstances of the case, this Court is of the opinion that, the application requires consideration and hence, the same is allowed.

7. Resultantly, this application is allowed. The authority concerned is directed to release the muddamal being Vivo Company mobile phone V-235G having IMEI No.861362051217612 as well as mobile phone of Realme

Company 15 5G having IMEI No.867624075089978 seized in connection with the FIR registered as C.R.No.11192007250235 of 2025 with Nalsarovar Police Station, District: Ahmedabad on the terms and conditions that the petitioner:

(i) shall furnish a solvent surety of the amount equivalent to the value of the mobile in question as per the value disclosed in the seizure memo or panchnama.

(ii) shall file an undertaking before the trial Court that prior to alienation or transfer in any mode or manner, prior permission of the concerned Court shall be taken till conclusion of the trial;

(iii) shall also file an undertaking to produce the mobile in question as and when directed by the trial Court;

(iv) in the event of any subsequent offence, the mobile in question shall stand CONFISCATED.

(v) Before handing over the possession of the mobile to the petitioner, necessary photographs shall be taken and a detailed panchnama in that regard, if not already drawn, shall also be drawn for the purpose of trial.

8. Rule is made absolute, accordingly. Direct service permitted.

Manshi

(M. R. MENGDEY,J)