



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 874 OF 2025

Sarand Bhikusing Chavan

Age: 48 years, Occu.: Service, working as
a Tahsildar with Collector Office, Chh. Sambhajinagar
R/o A-Wing, flat No.305, The Pride,
Garkheda Parisar, Tq. & Dist. Chh. Sambhajinagar

..PETITIONER

VERSUS

1. State of Maharashtra
Through Dy. Superintendent of Police
Anti-Corruption Office, situated at
Juna Bajar, Tq. & Dist. Chh. Sambhajinagar

2. The Police Inspector
Police Station Paithan
Tq. Paithan, Dist. Chh. Sambhajinagar

..RESPONDENTS

....
Mr. P.M. Nagargoje, Advocate for the petitioner
Mr. S.S. Dande, A.P.P. for respondents
....

CORAM : ABHAY J. MANTRI, J.
DATE : 15th DECEMBER, 2025

ORAL JUDGMENT :

1. Heard. **Rule.** Rule is made returnable forthwith and heard finally with the consent of learned counsel for the parties at the admission stage.
2. By this petition, the petitioner is challenging the order dated 16th June, 2025, passed by the learned Special Judge (ACB), Paithan, below exhibit 1, in Criminal Miscellaneous Application No. 10 of 2025 in C.R. No.

59 of 2025 and subsequently allowed the Criminal Miscellaneous Application No. 10 of 2025.

3. Having heard learned counsel for the petitioner and learned A.P.P. for the respondents and gone through the impugned order and record, at the outset, it appears that during the investigation, the investigating officer seized two mobile handsets from the possession of the petitioner. Therefore, he filed an application for its release.

4. It is pertinent to note that the learned A.P.P. submitted that now the investigation is completed and the investigating officer has no objection to release the said mobile handsets in favour of the petitioner on imposing conditions. Similarly, learned counsel for the petitioner undertakes to produce the original bills for the mobile handsets before the learned Special Judge, Paithan, to show that he is the owner of the said mobile handsets and, therefore, entitled to custody. Having considered the above facts, in my view it would be appropriate to return the mobile handsets to the petitioner, subject to certain conditions.

5. As a result, I pass the following order :-

- (a) Petition is allowed on the following conditions.
- (I) The Police Station Officer, Paithan Police Station, is directed to hand over interim custody of the two seized mobile handsets to the petitioner on his furnishing the original bills of the mobiles and executing a supurtnama/security bond of Rs. 2,00,000/- (Rupees Two Lakhs) after due verification and identification.

- (II) Police Station Officer, Paithan Police Station, is directed to retain the micro SD and SIM cards, if any, with them and to get soft and hard copies of the data containing mobile memory in the presence of panchas for producing them in the court, if required.
- (III) Police Station Officer, Paithan Police Station shall collect the requisite certificate u/sec. 65-B of the Evidence Act from the person who collects a soft copy of data from the mobile memory and files the same on record.
- (IV) Police Station officer, Paithan Police Station, is further directed to take photographs of the seized mobile handsets in the presence of panchas and to file a detailed panchanama describing the same with the photographs and file the same on record.
- (V) Petitioner is directed not to sell or make any changes or alterations in the seized mobile handsets and produce them as and when called.
- (VI) Execute the Bond before the court/Police Station Officer, Paithan Police Station, who shall file the surety bond and photographs before the court.
- (b) Rule is made absolute in the above terms.
- (c) Inform the order to the learned Special Judge, Paithan.

(ABHAY J. MANTRI, J.)

SSD