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MCRC-22575-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE SUBODH ABHYANKAR

ON THE 1st OF JULY, 2025MISC. CRIMINAL CASE No. 22575 of 2025*PEERULAL**Versus**UNION OF INDIA*

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Appearance:

Shri Abhishek Rathore - Advocate for the applicant.

Shri Manoj Kumar Soni, learned counsel for the respondent.

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ORDER

1] This application has been filed by the applicant under section 528 of BHARATIYA NAGARIKSURAKSHA SANHITA,2023 against the order dated 27/12/2024 passed by the Additional Special Judge (N.D.P.S.)Act, District-Mandsaur in Crime No.02/2024; whereby, the application filed by the applicant for preservation of call details, has been rejected.

2] In brief facts of the case are that 72 Kg of poppy straw was seized from the possession of present applicant/Peerulal meena and co-accused Raju @ Rajkumar Meena on 31.08.2024 at Garoth-Shamgarh road Bardiyaamra from a pickup vehicle bearing registration no. MP14GC1485 registered in the name of the applicant.

3] The applicant's contention while filing an application under section 91 of CRPC / 94 of BNSS,2023 before the trial Court was that on the



night of 30.8.2024 when the alleged incident took place, the accused were detained at Narcotics Officer Garoth and on the next day they were falsely implicated in the case. It is stated that co-accused Raju S/o Badrilal had a mobile phone which was switched off by the police officials after he was taken in the office, and in such circumstances, the tower location and CDR of mobile phone of accused Raju as also the available officers of Narcotics namely, Anil kumar, Sanjukumar, Sandeep kumar, Prasad verma, Praveen Rawani, Ankit Singh and Rahul kumar were sought to be preserved for the dates between 30.08.2024 and 31.08.2024 as also the CCTV footage of Narcotics office Garoth. The aforesaid application was rejected by the trial Court on the ground that the CCTV is not installed in the office of the Narcotics department whereas the other application regarding call details etc., as aforesaid has been rejected on the ground that the trial is at the initial stage and that the charge sheet has also not been filed.

4] Counsel for the applicant has submitted that if the call details and other data is not saved it might get lost during the fort of time depriving the petitioner of their important right to call the aforesaid data in their defence. Thus, it is submitted that the filing of the application at the early stage cannot be said to be unwarranted.

5] Counsel for the respondent on the other hand has opposed the prayer.

6] Having considered the rival submissions and on perusal of the case diary as also the documents filed on record and also taking note of the fact that the relief sought by the applicant for preserving the aforesaid record



cannot be said to be made with any malafide intention and infact they intend to use the same at the time of defence.

7] In such circumstances, since the CCTV was not installed in the narcotics office at Garoth, no question of providing the cctv footage of the said office arise. However, so far as the CDR and Tower location of mobile phone of accused Raju and police personnels as aforesaid is concerned, this Court is of the considered opinion that no harm would be caused, if the aforesaid data is saved by the respondents.

8] Accordingly, the impugned order dated 27/12/2024 is set aside so far it relates to preserving of CDR and tower location of the phone numbers concern, and it is directed to the respondents to ensure that CDR and tower location of **mobile phone of accused Raju** as also the available **officers of Narcotics namely, Anil kumar, Sanjukumar, Sandeep kumar, Prasad verma, Praveen Rawani, Ankit Singh and Rahul kumar** be preserved till the final order is passed by the trial Court and at appropriate stage, the applicant shall be at liberty to apply for the said documents in his defence.

9] Accordingly the MCRC stands **allowed and disposed of.**

(SUBODH ABHYANKAR)
JUDGE