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Crl.R.C.No.1554 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.12.2022

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THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.R.C.No.1554 of 2022

Srikanth @ Chintu

... Petitioner

Vs.

State: Inspector of Police,
V5, Thirumangalam Police Station,
Chennai.
(Crime No.182 of 2022)

... Respondent

PRAYER: Criminal Revision Petition filed under Section 397 & 401 of Cr.P.C. to set aside the order passed by the learned special Judge for EC & NDPS Act Cases, Chennai in Crl.M.P.No.4782 of 2022 dated 12.10.2022.

For Petitioner : Mr.K.Tamilvanan

For Respondent : Mr.V.Meganathan
Gov. Advocate (Crl.Side)



Crl.R.C.No.1554 of 2022

WEB COPY

ORDER

This revision petition is filed against the impugned order in Crl.M.P.No.4782 of 2022 dated 12.10.2022.

2.The fact reveals that on 29.05.2022, at about 10.20 hours, when Tr.Thangamadhavan the Sub Inspector of Police, was in station duty, at that time he got a secret information about illegal sale of GANJA. Thereafter, the Sub Inspector of Police along with his police team (i.e.) Tr.Uthiran, Sub Inspector of Police, Tr.Annadurai, Sub Inspector of Police, Tr.Pownraj, Gr.I-31282, Tr.Rajasekar, Gr.I-38461, Tmt.Asha, WGR-I-28590 and Tr.Manikandan PC-41067 went to SOC (i.e.) V.R.Mall Parking area, at that time the accused person A-2/Doccus Saleth Free Man, A-3/Abdul Hameed were standing suspicious and the respondent police enquired them and found A-2 was in possession of 6 numbers of 1.4 mg of DOB stamp and A-3 was in possession of 6 numbers of 1.4 mg of DOB stamp. After that the respondent police arrested the accused and recorded their confession



Crl.R.C.No.1554 of 2022

statements and seized DOB stamp from the accused under the cover of Seizure Mahazar.

3.During the course of investigation and from the confession of A-1, it reveals that A-1/petitioner had sold the contraband to A-2 & A-3 and the respondent police went to near A-1 house and conducted search and found 500 grams of Ganja/Hashis in his car as a packet and 77 grams of Hashish Balls from A-1. He had sold that Ganja/Hashish for monetary gain and he was selling the contraband using his Honda City Car TN 01 BM 7272. Based on that, the respondent police arrested the accused A-1 and seized Hashis [Charas] Drugs 500 grams from the Honda City Car bearing registration No.TN 01 BM 7272 and Hashish Ball under the cover of seizure mahazar in the presence of witness.

4.Based on the above, a case was registered in V-5 Thirumangalam Police Station, Crime No.182 of 2022, Under Sections 8(c), 22(c), 25 and 29(1) of NDPS Act on 29.05.2022 at about 10.20 hours against the accused by the Inspector of Police and he took up the case for further investigation.

5.The learned counsel for the petitioner submitted that the



Crl.R.C.No.1554 of 2022

respondent/police registered a case against this petitioner along with two others in Crime No.182 of 2022 for the offences under Sections 8(c), 22(c), 25 and 29(1) of NDPS Act on 29.05.2022 at about 10.20 hours. The petitioner is the owner of the Honda City Car bearing Registration No.TN 01 BM 7272. The respondent police conducted search based on the information and seized the alleged 500 grams of Ganja/Hashish from the said case. Now, the petitioner is on bail. The alleged seizure of the Ganja is not the commercial quantity. The petitioner filed a petition before the Principal Special Court under EC and NDPS Act, Chennai, seeking interim custody of the above said car being Registration No.TN 01 BM 7272. The trial Court had dismissed the petition on the ground that if the vehicle is returned to the petitioner, he may again involve his vehicle in similar offence and he may not produce the vehicle at the time of trial. Challenging the same, the present petition is filed.

6.The learned Government Advocate (Crl. Side) filed his counter and



Crl.R.C.No.1554 of 2022

objected to return the vehicle to the petitioner for the reason that if the vehicle is returned to the petitioner he may involve his vehicle in similar type of cases.

7.The learned counsel appearing for the petitioner submits that the petitioner will give an undertaking that he will not alienate the vehicle and produce the same before the Court below as and when required.

8.Heard Mr.K.Tamilvanan, learned counsel appearing for the petitioner and Mr.V.Meganathan, learned Government Advocate(Crl. Side) appearing for the respondent.

9.On perusal of the records, it is seen that the petitioner claims to be the owner of the Honda City Car bearing registration No.TN 01 BM 7272 and he is an accused in this case. From his car, the respondent police seized Ganja/Hashish, therefore, the petitioner filed a petition seeking return of vehicle before the trial Court and the trial Court dismissed the petition



Crl.R.C.No.1554 of 2022

stating that the vehicle was seized on 29.05.2022. If the Honda City Car bearing registration No.TN 01 BM 7272 is returned to the petitioner, he is likely to involve the vehicle for the similar type of offence and may not produce the vehicle at the time of trial.

10.Under these circumstances, the impugned order dated 12.10.2022 in Crl.M.P.No.4782 of 2022 in Cr.No.182 of 2022 passed by the Court below is set aside and the court below is directed to return the Honda City Car bearing registration No.TN 01 BM 7272 to the petitioner, on complying the following conditions:

- i. the petitioner shall prove his ownership of the vehicle by producing the copy of the R.C.Book and other relevant records;
- ii. the petitioner shall not alienate or encumber the vehicle in any manner;
- iii.the petitioner shall execute a bond for a sum of Rs.15,00,000/- (Rupees fifteen lakhs only) before the Principal Special Court under EC & NDPS Act Cases, Chennai - 104;
- iv.the petitioner shall give an undertaking that he will not use the vehicle for any illegal activities in future;



Crl.R.C.No.1554 of 2022

- v. the petitioner shall take photograph of the vehicle; and
- vi.the petitioner shall also produce the vehicle as and when required before the court below and before the respondent police.

11.Accordingly, the Criminal Revision is allowed.

16.12.2022

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To

- 1.The Principal Special Judge,
The Principal Special Court under EC & NDPS Act,
Chennai - 104.
- 2.Inspector of Police,
V5, Thirumangalam Police Station,
Chennai.
- 3.The Public Prosecutor,
High Court of Madras, Chennai.



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CrI.R.C.No.1554 of 2022

V.SIVAGNANAM, J.,

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CrI.R.C.No.1554 of 2022

16.12.2022