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Crl.M.P.No.17039 of 2023
in Crl.RC.No.689 of 2023

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M.NIRMAL KUMAR., J.

This petition is filed to modify the condition imposed on the petitioner to execute a personal bond for a sum of Rs.1,00,000/- before the learned Principal Special Court under EC and NDPS Act, Chennai in Crl.RC.No.689 of 2023 dated 22.06.2023.

2.The petitioner who is the owner of a two wheeler, KTM RC 200, bearing registration No.TN-09-CC-3667 which was seized in connection with Crime No.154 of 2022, filed a petition for return of property before the Principal Special Court under EC and NDPS Act Cases, Chennai before the Lower Court and the same was dismissed. Thereafter, he filed a revision petition before this Court in Crl.RC.No.689 of 2023. This Court by order dated 22.06.2023 ordered return of vehicle to the petitioner with certain conditions.



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3.The contention of the learned counsel for the petitioner is that the petitioner is ready to abide by the conditions imposed on the petitioner, but for condition No.(ii), wherein this Court ordered that the petitioner shall execute a personal bond for a sum of Rs.1,00,00/- before the Principal Special Court under EC and NDPS Act, Chennai. He would submit that the petitioner purchased a vehicle in second hand in the year 2019. He further submit that the petitioner is working as delivery boy in Swiggy and the vehicle is the only source for his income and for his work, he needs the vehicle. He would further submit that the vehicle has been seized on 31.03.2022 in the above case and it is almost 1½ years still the vehicle is kept in the open air exposing to vagaries of weather. He further submitted that though the petitioner had obtained an order for return of vehicle on 22.06.2023, he is unable to comply with the condition since the Lower Court is insisting the petitioner to produce a property in his name to the value of Rs.1,00,000/- to its satisfaction. The petitioner is aged about 24 years, a College drop out and for the need of his family income, he is working as delivery boy making some earnings. He would submit that the



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petitioner is not an accused, his friend deceived him, took the vehicle and landed in trouble.

4.Learned Additional Public Prosecutor submits that the vehicle was used by the accused. The petitioner is the friend of A2 in this case. From the accused, 1.15 kgs of ganja was recovered. He fairly submitted that the petitioner is not an accused in this case.

5.Considering the submissions made and on perusal of the materials, it is seen that the vehicle of the petitioner was seized as early as 31.03.2022 and this Court ordered return of vehicle on 22.06.2023, but still the petitioner is unable to get his vehicle back due to the condition imposed by this Court on 22.06.2023 that the petitioner shall execute a personal bond for a sum of Rs.1,00,000/- before the Principal Special Court under EC and NDPS Act, Chennai. According to the petitioner, this condition is onerous and he cannot comply with the same as he has got no property in his name to such value. Further, the petitioner needs the vehicle for his earnings as he was working as delivery boy. In view of the above, this Court modifies



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the condition No.(ii) alone in Crl.RC.No.689 of 2023 dated 22.06.2023 to the effect that the petitioner shall execute a personal bond for a sum of Rs.10,000/- [Rupees Ten Thousand only] before the Principal Special Court under EC and NDPS Act, Chennai. All other conditions stand unaltered.

6.Accordingly, this petition stands allowed.

07.11.2023

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