



Crl.R.C.No.1426 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.11.2024

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.No.1426 of 2024

Vijay

... Petitioner

Vs.

The State  
Rep. by the Inspector of Police,  
Sriperumbudur Police Station,  
Crime No.1380/2021.

...Respondent

PRAYER: Criminal Revision Petition filed under Section 397 r/w 401 of Cr.P.C., to call for the records in Crl.M.P.No.1540/2023 dated 16.03.2023 on the file of the Special Court under EC and NDPS Act, Chennai for the offences under Sections 451 r/w 457 of Cr.P.C.

For Petitioner : Mr.C.Bala Subramaniam

For Respondent : Mr.V.J.Priyadarsana  
Government Advocate (Crl.Side)



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## ORDER

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The petitioner aggrieved by the dismissal of his petition filed under Section 451 r/w 457 of the Cr.P.C., the return of his bike PULSAR NS 200 BSIV (white colour) which was seized during the investigation in Crime No.1380 of 2021 for the offences under Section 8(c) r/w 2(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985, has filed this present revision.

2. The learned counsel for the petitioner would submit that the vehicle was not involved in the alleged offence was seized by the respondent on 08.03.2023 and the vehicle is kept in the police station in an open place and thereby the value of the vehicle is diminishing and if the vehicle is not returned, it would be reduced to a scrap.

3. The learned Government Advocate (Crl.Side), for the respondent on instructions, would submit that though the vehicle was seized as early as on 08.03.2023, no confiscation proceedings have been initiated so far.



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4. In the light of the above submissions, this Court is of the view that the vehicle cannot be kept idle in an open space and its value cannot be allowed to be diminished as held by the Hon'ble Supreme Court. The petitioner is the owner of the vehicle and therefore, he is the proper person entitled to the custody of the vehicle.

5. Accordingly, this Criminal Revision Case is allowed and the impugned order dated 16.03.2023 passed by the learned Principal Special Judge, Principal Special Court under the EC and NDPS Act, Chennai – 600 104, in Crl.M.P.No.1540 of 2023 in Crime No.1380 of 2021 is set aside. In view of the same, the respondent is directed to return the vehicle bearing Reg. No. TN 87 8134 to the petitioner on the following conditions:

(i) The petitioner shall execute a personal bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties for a likesum to the satisfaction of the learned Principal Special Judge, Principal Special Court under the EC and NDPS Act, Chennai – 600 104;

(ii) The petitioner shall produce the original RC



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Book along with a self-attested Photostat copy of the RC Book of the vehicle and other relevant records to prove his ownership. The learned Principal Special Judge, Principal Special Court under EC and NDPS Act, Chennai – 600 104 shall peruse the RC book and other records, retain a xerox copy of the same and return the original RC book to the petitioner;

(iii) The petitioner shall not alter or alienate the vehicle in any manner;

(iv) The petitioner shall also give an undertaking that he will produce the vehicle as and when required by the respondent and by the court below.

(v) The return of property would be subject to the result of the confiscation proceedings, if any.

12.11.2024

Index : Yes/No  
Speaking Order/Non Speaking Order  
Neutral Citation: Yes/No  
*dk*



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Note: Issue Order copy by 20.11.2024.

To

- 1.The Principal Special Judge,  
Principal Special Court under EC and NDPS Act,  
Chennai – 600 104.
- 2.The Inspector of Police,  
Sriperumbudur Police Station
- 3.The Public Prosecutor,  
High Court, Madras.



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SUNDER MOHAN, J.

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