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Crl.OP.No.14886 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.OP.No.14886 of 2024

Ramachandrudu Ramireddy

... Petitioner

Vs.

The Intelligence Officer,
Narcotics Control Bureau,
Chennai Zonal Unit,
Chennai-77.
RR.No.3/2023

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to modify the order passed by the learned Special Judge, I Additional Special Court for Exclusive Trial of Cases under NDPS Act, Chennai vide Crl.M.P.No.2112 of 2024 dated 10.04.2024.

For Petitioner	: Mr.B.S.Manikandan
For Respondent	: Mr.N.P.Kumar
	Special Public Prosecutor
	(for Narcotics Control Bureau Cases)

ORDER

This Criminal Original Petition is filed seeking to modify the conditional order passed by the learned Special Judge, I Additional



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Special Court for Exclusive Trial of Cases under NDPS Act, Chennai vide

Crl.M.P.No.2112 of 2024 dated 10.04.2024 for the offences under Sections 451 r/w 457 of Cr.P.C regarding the return of property Ford Ecosport Car bearing Regn.No.AP-05-DT-1466.

2. A perusal of the record indicates that the subject vehicle is a 'case property' for the offence under Section 8(c) r/w 20(b)(ii) (C), 28, 29 of the NDPS Act. This vehicle had been escorting the contraband of 438.400 kgs of ganja been transported in another Force Traveller vehicle bearing Regn.No.AP-05-TA-4428.

3. The trial Court on considering the facts allowed the application for return of vehicle by following the Judgment of Hon'ble Supreme Court in the case of *Sunderbhai Ambalal Desai /Vs/ State of Gujarat* reported in 2002 10 SCC 283, on condition to deposit Rs.5,00,000/- in the account of Principal Special Court under EC & NDPS Act, Chennai along with other conditions.

4. One of the conditions to deposit Rs.5,00,000/- is now sought to be modified on the ground that the value of the new vehicle itself is



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Rs.9,00,000/- and this vehicle which is already been in the custody of the police for the past one year has lost its actual value and therefore, the deposit of Rs.5,00,000/- may be modified.

5. Taking note of the facts and circumstances of the case, this Court is not inclined to interfere in the said conditional order imposed by the trial court. It is not the present value of the vehicle, but, the nature of the offence as well as the value of the vehicle on the date of its seizure. Hence, this Criminal Original Petition is dismissed.

23.07.2024

Vv

To

1. The Special Judge,
I Additional Special Court for
Exclusive Trial of Cases
under NDPS Act, Chennai
2. The Intelligence Officer,
Narcotics Control Bureau,
Chennai Zonal Unit,
Chennai-77.
3. The Public Prosecutor,
High Court of Madras,
Chennai.



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Dr.G.JAYACHANDRAN,J.

Vv

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