



Crl. O.P. No. 7010 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl. O.P. No. 7010 of 2025

M. Sethu

... Petitioner

Vs.

1.State rep., by
The Additional Superintendent of Police,
Prohibition Enforcement Wing-Perambalur,
Perambalur District.

2.State rep., by
The Inspector of Police,
Prohibition Enforcement Wing-Perambalur,
Perambalur District.
(Crime No.376 of 2023)

.. Respondents

Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to set aside the order dated 20.02.2024 passed in Crl.R.C.No.18 of 2023 by the learned Principal District and Sessions Judge, Perambalur and order dated 14.08.2023 passed in Crl.M.P. No. 6243 of 2023 by the learned Judicial Magistrate No.1, Perambalur and thus render justice.



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For Petitioner : Mr. M. Ragavan

For Respondents

For R1 & R2 : Mr. A. Gopinath,

Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed challenging the order dated 20.02.2024 passed in Crl.R.C.No.18 of 2023 by the learned Principal District and Sessions Judge, Perambalur and order dated 14.08.2023 passed in Crl.M.P. No. 6243 of 2023 by the learned Judicial Magistrate No.1, Perambalur, thereby dismissed the application filed by the petitioner for return of his vehicle.

2. The petitioner is an accused in Crime No. 376 of 2023 registered for the offence punishable under Section 4(1)(a) r/w 4(1-A) of the Tamil Nadu Prohibition Act, 1937 alleging that the petitioner was found in possession of 20 bottles of brandy in his two wheeler namely TVS Raider bearing registration No. TN 46 AB 4767. Though the vehicle has been seized in the year 2023, no confiscation proceedings so far initiated by the respondent.

3. In view of the above, the impugned order cannot be sustained and liable to be



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quashed.
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4. Accordingly, the order passed in Crl.R.C.No.18 of 2023 by the learned Principal District and Sessions Judge, Perambalur and order dated 14.08.2023 passed in Crl.M.P. No. 6243 of 2023 by the learned Judicial Magistrate No.1, Perambalur is quashed and the Criminal Original Petition is allowed.

5. The learned Judicial Magistrate No.1, Perambalur is directed to return the TVS Raider bearing Registration No. TN 46 AB 4767 vehicle to the petitioner on condition that the petitioner shall execute bond for a sum of Rs.25,000/- and also on production of the original registration certificate.

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Index : Yes/No
Neutral citation : Yes/No
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G.K.ILANTHIRAIYAN, J.

AT

To

- 1.The Principal District and Sessions Judge, Perambalur
- 2.The Judicial Magistrate No.1, Perambalur.
- 3.The Additional Superintendent of Police,
Prohibition Enforcement Wing-Perambalur,
Perambalur District.
- 4.The Inspector of Police,
Prohibition Enforcement Wing-Perambalur,
Perambalur District.
- 5.The Public Prosecutor,
High Court, Madras.

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