



CRL.R.C.No.724 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2025

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THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.R.C.No.724 of 2025

Abhisek Mishra

... Petitioner

Vs.

The State by,
The Inspector of Police,
T-1, Tambaram Police Station,
Cr.No.680/2024.

... Respondent

PRAYER: Criminal Revision case has been filed under Section 438 read with 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to set aside the order in Crl.M.P.No.687 of 2025 dated on 15.04.2025 of the Principal Special Judge EC and NDPS Court at Chennai and direct the respondent Police to return the petitioner's Hyundai i20 car registration number KA-03-MY-2093 to the petitioner in connection with Crime No.680 of 2024 on the file of the respondent Police.

For Petitioner : Mr.N.Vijayaraj

For Respondent : Mr.A.Gopinath

Government Advocate (Crl.side)

ORDER



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This Criminal Revision case has been filed to set aside the order in Crl.M.P.No.687 of 2025 dated on 15.04.2025 on the file of the Principal Special Judge EC and NDPS Court at Chennai, thereby dismissing the petition for return of property.

2. Heard the learned counsel on either side and perused the materials available on record.

3. The petitioner owned a car bearing Registration No.KA 03 MY 2093, which was seized pursuant to the registration of FIR in Crime No.680 of 2024, on the file of the respondent alleging that the accused had illegally transported 71.87 gms of Methamphetamine in the car. The contraband was seized and the vehicle was also seized by the respondent and deposited before the Trial Court.

4. The learned counsel for the petitioner would submit that, the petitioner, being the owner of the vehicle filed an application seeking return of the property on the ground that he is a native of Odisha and presently residing in Karnataka. He purchased the car, got it registered in the State of Karnataka and rented out in the state of Tamil Nadu. He holds permit to ply the vehicle across India. However, the accused had taken the car on rent and used it for illegal



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purposes. It is further submitted that, the petitioner, being the owner of the vehicle, is not an accused in the case and has not committed any offence.

However, there is no provision under the NDPS Act mandating confiscation of the vehicle in such a manner, unless done in accordance with the procedure established by law.

5. The learned Government Advocate (Crl.side) would submit that now the confiscation proceeding is under process.

6. In view of the above, this Court finds no infirmity or illegality in the order passed in Crl.M.P.No.687 of 2025 dated 15.04.2025, on the file of the Principal Special Judge EC and NDPS Court at Chennai. Accordingly, this Criminal Revision case stands dismissed.

12.06.2025

Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
mn



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G.K.ILANTHIRAIYAN, J

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To

1. The Principal Special Judge EC and NDPS Court,
at Chennai.
2. The Inspector of Police,
T-1, Tambaram Police Station.
3. The Public Prosecutor,
High Court, Madras.

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