



Crl.RC.No.774 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED:16.06.2025

CORAM:

THE HON'BLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

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V.Sasikumar
S/o. Velu
G-4, B-Block, Rani Residency,
Velacherry Main Road,
Sembakkam, Selayur,
Chennai – 600 073.

...Petitioner

Vs.

The State Rep. by
The Inspector of Police,
J-7, Velacherry Police Station,
Chennai.

... Respondent

PRAYER: Criminal Revision Petition filed under Section 438 and 442 of BNSS, 2023, to set aside the order passed in Crl.M.P.No.2033 of 2025 on the file of the Principal Sessions Judge under the EC and NDPS Act.

For Petitioner : Mr.C.Raghavan

For Respondent : Mr.A.Gopinath

Government Advocate



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ORDER

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2. Heard both sides and perused the materials available on record.

3. The petitioner owned a car *Honda City 1.5 VX CVT IVTEC* bearing registration number TN01 BA 9913. It was handed over to his friend by name Saravanan for the purpose of distributing Marriage Invitations of his son Santhosh Kumar. On 24.01.2025, while Santhosh Kumar along with four others travelled in the alleged car, the respondent police intercepted the said car and found that they were in possession of 70 Nos. of MDMA Tablets weighing 33.06 gms and 5.05 gms of Methamphetamine and arrested them for the offences punishable under Sections 8(c), 22(c), 25 and 29(1) of NDPS Act, and later they were remanded to judicial custody. The vehicle which was travelled by the accused was seized in pursuance of registration of FIR and deposited before the Court. Therefore, the petitioner

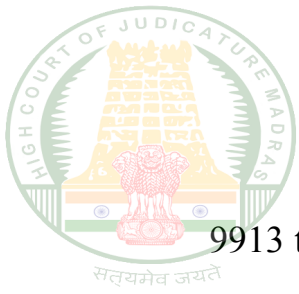


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who is being the owner of the vehicle, filed a petition before the trial Court to return the property. However, the said petition was dismissed on the ground that the vehicle was used for transporting Narcotic substances.

4. On a perusal of the records it is seen that the accused were granted bail by this Court by an common order dated 04.04.2025 made in Crl.O.P.Nos.4755, 5416, 5436, 6234 & 8181 of 2025. In the said order this Court has observed that the contraband was seized from the accused persons and not from the vehicle. Further the petitioner is not an accused and he only handed over his car to his friend for the purpose of distribution of his son's marriage invitation. Therefore, the petitioner had made out a *prima facie* case to return the vehicle.

5. In view of the above discussions, this Court is inclined to return the vehicle to the petitioner and accordingly, the order dated 02.05.2025 passed in Crl.M.P.No.2033 of 2025 in Cr.No.50 of 2025 by the Principal Sessions Judge under EC & NDPS Act, is hereby set aside. The learned Principal Sessions Judge under EC & NDPS Act, Chennai, is directed to return the *Honda City 1.5 VX CVT IVTEC* car bearing registration number TN01 BA



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9913 to the petitioner, forthwith on the following conditions:-

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(i) the petitioner is directed to execute an own bond for a sum of Rs.1,00,000/- (Rupees One lakh only) to the satisfaction of the Principal Sessions Court under EC & NDPS Act, Chennai, to the credit of Crime No.50 of 2025 pending on the file of the respondent police.

(ii) the petitioner shall deposit the original registration certificate of the vehicle with the concerned Magistrate.

(iii) the seized item should be photographed at the cost of the petitioner herein and a list is to be prepared and the same is to be signed by the petitioner.

(iv) the petitioner shall not alienate and shall not make any alteration in the vehicle.

(v) the petitioner shall produce the vehicle before the Court and before the respondent police as and when required;

(vi) If any of the conditions are violated, this order automatically stands cancelled.



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7. Accordingly, the Criminal Revision Case stands allowed.

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Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
bkn

To

1. The Principal Sessions Judge under EC & NDPS Act,
Chennai.
2. The Inspector of Police,
J-7, Velacherry Police Station,
Chennai.
3. The Public Prosecutor
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

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