



Crl.R.C.No. 1023 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.07.2025

CORAM:

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

Crl.R.C.No. 1023 of 2025

Santhosh

..... Petitioner

Vs

State Rep. by
The Inspector of Police,
F-2, Egmore Police Station,
Chennai
Crime No.480 of 2023

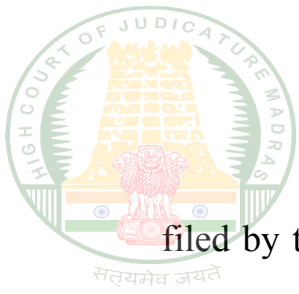
..... Respondent

PRAYER: Criminal Revision Case is filed under Section 438 r/w 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to set aside the order dated 26.02.2024 made in Crl.M.P.No.1506 of 2024 on the file of the Principal Special Court under EC & NDPS Act, Chennai and consequently return the vehicle and to allow the above Criminal Revision Petition.

For Petitioner : Mr.V.Arunkumar
For Respondent : Mr.A.Gopinath
Government Advocate (Crl. Side)

ORDER

This Criminal Revision Case has been filed challenging the order dated 26.02.2024 passed in Crl.M.P.No.1506 of 2024 on the file of the Principal Special Court under EC & NDPS Act, Chennai, thereby dismissing the petition



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filed by the petitioner seeking return of his mobile phone, viz.,

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Phone 13 Pro Max Gold Colour in IMEI No.359481989221071.

2. The petitioner is an accused in Crime No.480 of 2023, registered for the offences under Sections 8(c) r/w 20(b)(ii)(B), 22(b), 29(1), 25 of Narcotic Drugs and Psychotropic Substances Act, alleging that the petitioner was found in illegal possession of 1200 kgs of Ganja and 418 Nos of Tydol Tablets. Pursuant to the registration of the FIR, the contraband along with the petitioner's mobile phone was seized and produced before the Trial Court. Subsequently, the petitioner was arrested and remanded to judicial custody and later released on bail. Thereafter, the petitioner filed an application seeking return of his mobile phone. However, the same was dismissed by the Trial Court on the ground that the material object is required to be marked during trial.

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

4. A perusal of the records reveals that the contraband and the mobile phone were seized from the petitioner and the same were deposited



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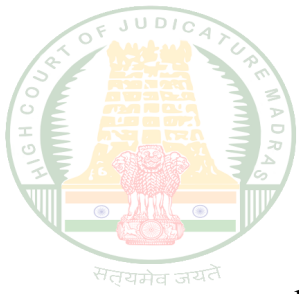
before the Trial Court. The mobile phone owned by the petitioner has nothing to do with the alleged offence. Therefore, production of the said mobile phone as a material object is not essential for the purpose of trial in this case.

5. In view of the above discussions, this Court is inclined to order return of the mobile phone to the petitioner. Accordingly, the order dated 26.02.2024 passed in Crl.M.P.No.1506 of 2024 on the file of the Principal Special Court under EC & NDPS Act, Chennai, is hereby set aside. The learned Principal Special Court under EC & NDPS Act, Chennai, is directed to return the petitioner's mobile phone, viz., I Phone 13 Pro Max Gold Colour in IMEI No.359481989221071, forthwith on the following conditions:-

(i) the petitioner is directed to execute a personal bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the satisfaction of the concerned Magistrate to the credit of Crime No.480 of 2023 pending on the file of the respondent police.

(ii) the petitioner shall deposit the original invoice or bill of the phone 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.



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

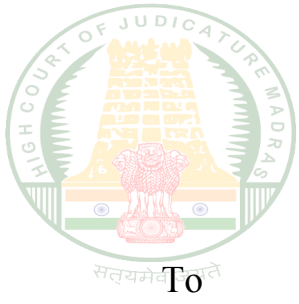
(v) the petitioner shall produce the mobile before the Court and before the respondent police as and when required;

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

6. Accordingly, the Criminal Revision Case stands allowed.

09.07.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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To
WEB COPY

1. The Principal Special Court under EC & NDPS Act,
Chennai.

2. The Inspector of Police,
F-2, Egmore Police Station,
Chennai

3. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.
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