



Crl.R.C.No. 868 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.06.2025

CORAM:

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

Crl.R.C.No. 868 of 2025

Nikesh

..... Petitioner

Vs

State rep. by
The Inspector of Police,
Thudiyalur Police Station,
Coimbatore District.
(Crime No.359 of 2024)

..... Respondent

PRAYER: Criminal Revision Case is filed under Section 438 r/w 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to set aside the order passed in Crl.M.P.No.4165 of 2025 on the file of the learned Judicial Magistrate Court-I, Coimbatore District Dated 16.05.2025.

For Petitioner : Mr.M.N.Balakrishnan
For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

This Criminal Revision Case has been filed challenging the order dated 16.05.2025 passed in Crl.M.P.No.4165 of 2025 by the learned Judicial Magistrate No.I, Coimbatore District, thereby dismissing the petition filed for return of vehicle, viz., Hero Xtreme 125 R CBS two wheeler bearing Registration No.TN-38-DK-5926.



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2. The case of the prosecution is that, on 19.10.2024, based on the secret information, the respondent police proceeded to the scene of occurrence and found that A1 was in possession of 110 grams of Ganja. Hence, a case has been registered in Crime No.359 of 2024 for the offences under Sections 8(c) r/w 20(b)(ii)(A), 29(1) of the Narcotic Drugs and Psychotropic Substances Act. Pursuant to the registration of the FIR, the vehicle involved was seized and produced before the Judicial Magistrate No.I, Coimbatore.

3. The learned counsel appearing for the petitioner would submit that there are totally four accused in this case, in which the petitioner is arrayed as A2. He further submitted that the petitioner has been falsely implicated only based on the confession statement of A1. He also submitted that the petitioner is ready and willing to abide by any conditions that may be imposed by this Court for the release of the vehicle.

4. The learned Additional Public Prosecutor would submit that the petitioner is an accused in this case and the vehicle in question was involved in an offence under NDPS Act. Hence, he objected to return of the vehicle.



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5. Heard the learned counsel appearing on either side and perused

the materials available on record.

6. Even according to the case of the prosecution, the petitioner is an accused in Crime No.359 of 2024 and the vehicle in question was involved in an offence under NDPS Act. Further the provision under Section 451 of Cr.P.C./497(1) of BNSS provides for protection of the property from degradation due to non maintenance in the custody of the police as it takes long time for conclusion of criminal proceedings. The vehicle is in broad day light from the date of seizure and the trial has also been commenced and hence no useful purpose will be served in keeping the vehicles parked in the sunlight and rain.

7. Considering the facts and circumstances of the case, this Court is inclined to order return of the vehicle to the petitioner and accordingly, the order dated 16.05.2025 passed in CrI.M.P.No.4165 of 2025 on the file of the Judicial Magistrate No.I, Coimbatore, is hereby set aside. The learned Judicial Magistrate No.I, Coimbatore, is directed to return the Hero Xtreme 125 R CBS two wheeler bearing Registration No.TN-38-DK-5926 to the petitioner, forthwith on the following conditions:-



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(i) the petitioner is directed to execute a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the satisfaction of the concerned Magistrate to the credit of Crime No.359 of 2024 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.

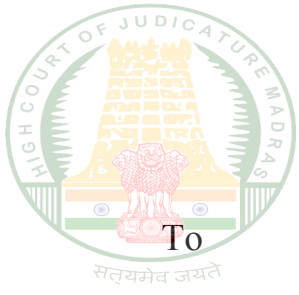
(v) the petitioner shall produce the vehicle before the Court and before the respondent police as and when required;

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

8. Accordingly, the Criminal Revision Case stands allowed.

23.06.2025

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

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1. The Judicial Magistrate No.I,
Coimbatore.

2. The Inspector of Police,
Thudiyalur Police Station,
Coimbatore District.

3. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.
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