



WEB COPY

CRL RC No. 1516 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 11-12-2025**

CORAM

**THE HON'BLE MR.JUSTICE SUNDER MOHAN**

**CRL RC No. 1516 of 2023**

K.Balasundar

..Petitioner(s)

Vs

Inspector Of Police  
D3 Kanakamma Chatram Police Station,  
Thiruvallur district

..Respondent(s)

**CRL RC No. 1516 of 2023**

To allow this Appeal by Set aside the order passed by the Principal Special Court under EC and NDPS Act Chennai -104 in CrI.MP.4097/2023 dated 21.07.2023 consequently direct the respondent police to Return the Vehicle of 2 Wheeler Pulsar Us 200 ABS Bearing Regn No.TN 05 CB 2065 Block Color, Chassis No.MD2A36FXXL CM20 509/JLX, Engine No.CLM06395

For Petitioner(s): Ms.M.Gajalakshmi

For Respondent(s): Dr.C.E.Pratap,  
Government Advocate (crl.Side)

### **Order**

This Criminal Revision Petition has been filed challenging the dismissal order passed in the petitioner's application for return of two wheeler, which was seized by the respondent during the course of investigation in Crime No. 215 of



2020 for the alleged offence under Sec.8(c) r/w 20(b)(ii)(B) of NDPS Act and Sec.328 of I.P.C.

WEB COPY

2. The petitioner has sought for return of vehicle, which was seized and the same was dismissed by the learned Special Judge on the ground that the vehicle was used by the accused in the case for transporting 1.2 kgs. of ganja and that the vehicle is liable for confiscation.

3. The learned counsel for petitioner would submit that he is not an accused; that the vehicle is lying in the custody of respondent police station, since 2023 in an open place, thereby the value of the vehicle is diminishing and if the vehicle is not returned, it would be reduced to a scrap; that confiscation proceedings has not been initiated so far; that the petitioner being the owner of the vehicle is entitled for interim custody; and that the petitioner is ready to comply with any condition that this Court may impose and prayed for return of the vehicle.

4. The learned Government Advocate (Crl. Side), per contra, submitted that the confiscation proceedings had not been initiated so far; that the petitioner is not an accused and the accused in the case has used the vehicle for transporting the contraband.



5. Considering rival submissions and the fact that the petitioner is not an accused, this Court is of the view that the vehicle cannot be kept idle in an open space and its value cannot be allowed to be diminished as held by the Hon'ble Supreme Court. The petitioner is the owner of the vehicle and therefore, he is the proper person entitled to the custody of the vehicle.

6. Accordingly, this Criminal Revision Case is allowed and the impugned order dated 21.07.2023 passed by the learned Principal Special Court under EC and NDPS Act, Chennai in Crl.M.P.No. 4097 of 2023 in Crime No.215 of 2022 is set aside. In view of the same, the respondent is directed to return the vehicle viz., Pulsar NS 200 ABS bearing Regn.No.TN-05-CB 2065 Black Colour, Chassis No.MD2A36FXXL CM20 509/JLX, Engine No.CLM06395 to the petitioner on the following conditions:

(i) The petitioner shall execute a personal bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties for a likesum to the satisfaction of the learned Principal Special Court under EC and NDPS Act, Chennai;

(ii) The petitioner shall produce the original RC Book along with a self-attested Photostat copy of the RC Book of the vehicle and other relevant records to prove his ownership. The learned Principal Special Court under EC and NDPS Act,



Chennai, shall peruse the RC book and other records, retain a xerox copy of the same and return the original RC book to the petitioner;

(iii) The petitioner shall not alter or alienate the vehicle in any manner;

(iv) The petitioner shall also give an undertaking that he will produce the vehicle as and when required by the respondent and by the Court below.

(v) The return of property would be subject to the result of the confiscation proceedings, if any.

**11-12-2025**

Index: Yes/No  
Speaking/Non-speaking order  
Neutral Citation: Yes/No

RPP

To

1. Principal Special Court under EC and NDPS Act Chennai.
2. Inspector Of Police, D3 Kanakamma Chatram Police Station, Thiruvallur District
3. The Public Prosecutor, High Court, Madras.



WEB COPY

CRL RC No. 1516 of 2



**SUNDER MOHAN J.**

**RPP**

**CRL RC No. 1516 of 2023**

**11-12-2025**