



CrI.R.C.No.1565 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.08.2025

CORAM:

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

CrI.R.C.No.1565 of 2025

A.Raja

..... Petitioner

Vs

State represented by
The Inspector of Police,
Madhuravoyal Police Station,
(cr.No.714 of 2024)

..... Respondent

PRAYER: Criminal Revision Case is filed under Sections 438 & 442 of Cr.P.C, praying to set aside the order dated 12.03.2025 in CrI.MP.No.827 of 2025 on the file of Principal Special Court EC & NDPS Act, Chennai and direct return of vehicle Maruthi swift VXi bearing Reg.No.TN 09-CZ-8725 to the petitioner.

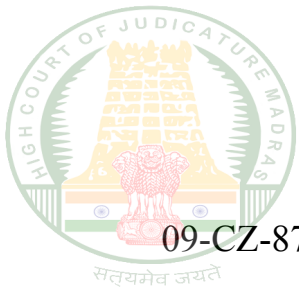
For Petitioner : Mr.R.Suryanarayanan

For Respondent : Mr.A.Gopinath,
Government Advocate(crI.side)

ORDER

This Criminal Revision Case has been filed against the order dated 12.03.2025 in CrI.MP.No.827 of 2025 on the file of Principal Special Court EC & NDPS Act, Chennai, thereby dismissing the petition to return the property.

2. The petitioner owned car-Maruthi swift VXi bearing Reg.No.TN



Crl.R.C.No.1565 of 2025

09-CZ-8725. It was taken by his son, who is an the accused in this case. At that

time, he was found in possession of 55 grams of methamphetamine. It was further alleged that the contraband was seized from the car which was driven by the petitioner's son. Hence, the respondent registered FIR in crime No.714 of 2024 for the offence punishable under Section 8(c), (22)(c), 25 & 29(1) of NDPS Act. In pursuant to the registration of FIR, car has been seized by the respondent and produced before the court concerned. The petitioner is being the owner of the car, filed petition to return the property and the same was dismissed. Aggrieved by the same, the present criminal revision case has been filed.

3. The learned counsel for the petitioner would submit that only the petitioner's son is arrayed as accused. That apart, he was also granted bail by this Court on the ground that the contraband was not seized from the car and it was seized only from his pocket. Therefore, no contraband was seized from the car. In support of his contention, the learned counsel relied upon the judgment of the Hon'ble Supreme Court of India rendered in ***Crl.A.No.87 of 2025*** dated 07.01.2025 in the case of ***Bishwajit Dey Vs. The State of Assam***, in which the Hon'ble Supreme Court of India held as follows:



WEB COPY

29. Though seizure of drugs/substances from conveyances can take place in a number of situations, yet broadly speaking there are four scenarios in which the drug or substance is seized from a conveyance. Firstly, where the owner of the vehicle is the person from whom the possession of contraband drugs/substance is recovered. Secondly, where the contraband is recovered from the possession of the agent of the owner i.e. like driver or cleaner hired by the owner. Thirdly, where the vehicle has been stolen by the accused and contraband is recovered from such stolen vehicle. Fourthly, where the contraband is seized / recovered from a third-party occupant (with or without consideration) of the vehicle without any allegation by the police that the contraband was stored and transported in the vehicle with the owner's knowledge and connivance. In the first two scenarios, the owner of the vehicle and/or his agent would necessarily be arrayed as an accused. In the third and fourth scenario, the owner of the vehicle and/or his agent would not be arrayed as an accused.

30. This Court is of the view that criminal law has not to be applied in a vacuum but to the facts of each case. Consequently, it is only in the first two scenarios that the vehicle may not be released on superdari till reverse burden of proof is discharged by the accused-owner. However, in the third and fourth scenarios, where no allegation has been made in the charge-sheet against the owner and/or his agent, the vehicle should normally be released in the interim on superdari subject to the owner furnishing a bond that he would



WEB COPY

produce the vehicle as and when directed by the Court and/or he would pay the value of the vehicle as determined by the Court on the date of the release, if the Court is finally of the opinion that the vehicle needs to be confiscated.

4. Heard, the learned counsel appearing on either side and perused, all the materials placed before this Court.

5. The judgment cited by the learned counsel for the petitioner is not applicable to the case on hand for the simple reason that the contraband was seized from the car. On perusal of FIR registered in crime No.714 of 2024, it is revealed that after receipt of the search memo, the accused himself had shown the sungot of the car and a plastic packet which contained 5 grams of methamphetamine was seized. Therefore, the car was used for trafficking the contraband and as such the trial court rightly dismissed the petition to return the property. Though the petitioner is not an accused in this case, car owned by him was used by an accused and as such, it has to be confiscated in the manner known to law. Therefore, this Court is not inclined to entertain this criminal revision case.

6. In view of the above, this criminal revision case is dismissed.



Crl.R.C.No.1565 of 2025

WEB COPY

28.08.2025

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

G.K.ILANTHIRAIYAN, J.
lok

To
1. Principal Special Court EC & NDPS Act, Chennai

Page 5 of 6



Crl.R.C.No.1565 of 2025

2. The Inspector of Police,
Madhuravoyal Police Station,

3. The Public Prosecutor,
High Court of Madras

Crl.R.C.No.1565 of 2025

28.08.2025