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CRL RC No. 1625 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-09-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL RC No. 1625 of 2025

1. M/s. Metstar Industries Private
Limited
Rep by its Managing Director
Banumathi, Rep by its Authorised
Person, Mr.C. Ragupathi, 38 years, S/o.
Chelladurai, Working as EDP cum
Purchase Officer, Plot No.E23 and S4,
SIPCOT Industrial Growth Center,
Perundurai, Erode-638052.

Petitioner(s)

Vs

1. The State Rep.by,
The Inspector of Police,
NIB-CID, Salem District. Crime
No.37/2025.

Respondent(s)

PRAYER: Criminal Revision case filed under Section 438 r/w 442 of BNSS,

praying to call for the records and set aside the order passed in CrI.M.P.No.635

of 2025 on the file of the learned Additional District Judge and Presiding



Officer, Special Court for the Exclusive trial of EC Act and NDPS Act cases

Salem District, dated 18.08.2025 in Crime No.37/2025 on the file of the

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respondent police by allowing this Criminal Revision Petition.

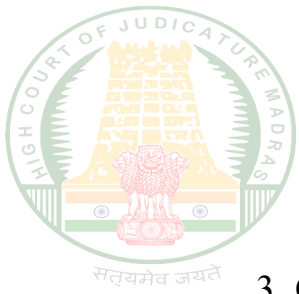
For Petitioner(s): Mr.JohnSathyan, Senior Counsel
For Mr.Swami Subramanian

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

ORDER

The petitioner has filed this petition to set aside the order passed in Cr.M.P.No.635 of 2025 on the file of Additional District Court and Presiding Officer, Special Court for the Exclusive trial of EC Act & NDPS Act cases, Salem District, dated 18.08.2025 in Crime No.37 of 2025 on the file of the respondent police by allowing this Criminal Revision Petition.

2. Heard Mr.JohnSathyan, Senior Counsel, for Mr.Swami Subramanian, learned counsel for the petitioner, and Dr.C.E.Pratap, learned Government Advocate (Crl.Side), appearing for the respondent, and perused the materials available on record.



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3. Challenging the impugned order passed by the learned Trial Judge, the petitioner has preferred this revision. The learned counsel submits that the impugned order passed by the learned Trial Judge with regard to the return of articles “Remelted Lead Ingots (9920) (No. of Pieces 975), Quality 25,210.000 Kgs, worth of Rs.52,86,184/-) Stock Bill No.136, is unsustainable.

4. The learned counsel for the petitioner submitted that the petitioner's industry had placed an order of Remelted Lead Ingots (9920), No.of pices 975, weighing about 25,210/- Kgs worth about Rs.52,86,187/- vide order No.RM PO/62/25-26 dated 28.06.2025 with H S.Metals, plot No.99, P2, 4th Phase, Industrial Area, Malur, Kolar District -563 130, with respect to the above order on 30.06.2025, H.S.Metals had booked a lorry from Sree Balaji Road lines transport contractor and commission agents, Bangalore and sent the goods via lorry bearing Registration No.TN 52 P 6752 (Transportation ID 29AELPM2917F22B), the Tax Invoice No.136, E-way Bill No.102148327415 dated 30.06.2025. Later, the petitioner came to know that the said lorry was



seized by the respondent police in Crime No.37/2025 for the alleged offence

under Sections 8(c), 20(b)(ii)(B), 25, 29(1) of Narcotic Drugs and Psychotropic

Substances Act, 1985.of the NDPS Act.

5. The learned counsel for the petitioner further submits that the petitioner is neither an accused nor the owner of the vehicle. Based on the purchase order, the goods were loaded and transported in the said lorry, and the petitioner has no connection whatsoever with the alleged offence under the NDPS Act. Hence, he prays for return of the goods, which are under the custody of the respondent police since 01.07.2025.

6. However, the learned Trial Judge, without considering the facts and circumstances, erroneously held that the petitioner ought to have approached the Drug Disposal Committee, relying on the authority reported in *2025 (1) LW (Crl), Loyola Johnson Vs. The State, Represented by the Inspector of Police, Pomban Police Station*, wherein this Court has laid down that if the seized vehicle is involved in an offence under the NDPS Act, the parties have to



approach the Drug Disposal Committee and not file a petition under Section 451

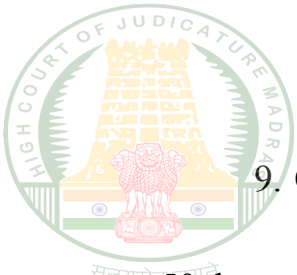
and 452 of Cr.P.C. By relying on the said proposition and Section 52A of the

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NDPS Act, the learned Trial Judge dismissed the petition, holding that since the vehicle seized by the respondent police (Reg. No. TN 52 P 6752) contained contraband, the petitioner has to approach the Drug Disposal Committee for return of articles.

7. The learned counsel for the petitioner further pointed out that, as per the FIR, the alleged contraband of about 50 kgs was seized from the cabin of the lorry and not from the goods loaded in it. He submitted that the goods transported from Bangalore to Erode were accompanied by a proper invoice, and the petitioner had no knowledge of the alleged contraband said to have been kept in the cabin.

8. The learned Government Advocate (crl.side) vehemently opposed to return of articles “Remelted Lead Ingots (9920) (No. of Pieces 975), Quality 25,210.000 Kgs, worth of Rs.52,86,184/-.



9. On considering the rival submissions, it is revealed from the FIR that

50 kgs of contraband were seized from the cabin of the lorry. The invoice

No.136, produced by the petitioner shows that on 30.06.2025, Remelted Lead

Ingots (9920) (No. of Pieces 975, Quality 25,210.000 Kgs, worth of

Rs.52,86,184/-) Stock Bill No.136, were duly despatched in the said lorry.

Therefore, the goods seized by the police are in no way connected with the

alleged illegal transportation of contraband. The goods were transported with

proper documentation, and the petitioner is the lawful owner having legal

custody over them.

10. Accordingly, the findings of the learned Trial Judge are liable to be set aside. The proposition laid down in the cited case is legally sound, but it is not applicable to the facts of the present case.

11. As per the invoice, the goods lawfully belong to the petitioner, and since they are unconnected with the alleged contraband, the petitioner is entitled to have them returned and also can be melted.



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12. In view of the above, this Criminal Revision Case is disposed of.

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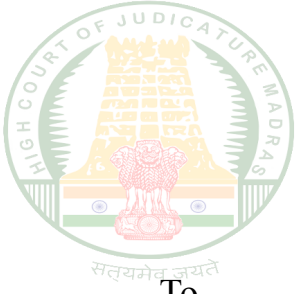
Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To
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1. The State Rep.by,
The Inspector of Police,
NIB-CID, Salem District.
Crime No.37/2025.

2. The Additional District Judge and Presiding Officer, Special Court for the
Exclusive trial of EC Act & NDPS Act cases Salem District.

3. The Public Prosecutor,
High Court of Madras, Chennai.



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T.V.THAMILSELVI J.
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