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CRL RC No. 1844 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-09-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL RC No. 1844 of 2025

1. M.Syed Abuthagir
S/o. Mohammed Sait, Door No.2, South
Masque Street, Ayakkudi Post, Palani
Taluk, Dindigul District - 624613.

Petitioner(s)

Vs

1. State Rep by,
The Inspector of Police
Prohibition Enforcement wing -
Coimbatore City, Coimbatore City.
(Cr.No. 465/2024)

Respondent(s)

PRAYER

Criminal Revision Case filed under Section 438 r/w 442 of BNSS, 2023 prays
to allow the Criminal Revision petition and set aside the order dated 11.03.2025
passed in CMP.No.431/2025 by the Learned Additional District Judge/
Presiding officer, Special Court for Essential Commodities Act Cases,
Coimbatore (FAC).

For Petitioner(s): M.Vijayaragavan



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

ORDER

The petitioner has filed this revision, to set aside the order dated 11.03.2025 passed in CMP.No.431/2025 by the learned Additional District Judge/ Presiding officer, Special Court for Essential Commodities Act Cases, Coimbatore (FAC).

2. The Brief facts of the case: The Petitioner is the owner of a six-wheeler load vehicle bearing Registration No. TN-99-D-1152, manufactured by TATA Motors Ltd., Model 1616 LPT DCR49HSD160 B6M6, Goods Carrier, Brick Red in colour, bearing Chassis No. MAT563203P7P26827 and Engine No. 3.3LN GD11PWX534082, and that the said vehicle was seized by the respondent police on 30.10.2024 in Crime No. 465 of 2024 for the alleged offences under Sections 8(c), 20(b)(ii)(B), 25 and 29(1) of the Narcotic Drugs and Psychotropic Substances Act, 1985, on the allegation that it was used for transporting contraband substances, the Petitioner further submits that he is not an accused in the said case, had no knowledge of the alleged occurrence, and that the vehicle was never involved in any previous case, and therefore he filed C.M.P. No. 431 of 2025 before the learned Additional District Judge / Presiding



Officer, Special Court for Essential Commodities Act Cases, Coimbatore (FAC), seeking interim custody of the vehicle, which petition came to be dismissed by order dated 11.03.2025, and aggrieved thereby, the present Criminal Revision Petition has been filed.

3. The learned counsel for the petitioner submitted that the order passed by the Court below is contrary to law, facts, and the judgments of the Hon'ble Apex Court and is therefore not maintainable in law, as the learned Court failed to consider that keeping the seized vehicle in an open and idle condition would lead to deterioration and diminution of its value and that the vehicle could have been released to the petitioner pending trial. Further, the learned Court overlooked the guidelines laid down by the Hon'ble Supreme Court in *Sunderbhai Ambalal Desai v. State of Gujarat* (2002) 10 SCC 290, as well as several judgments of the Hon'ble High Courts directing release of vehicles subject to conditions, and also failed to note that the petitioner's vehicle was never involved in any previous case and that the petitioner is not an accused in the present case and had no knowledge of the alleged involvement of his vehicle in the alleged offence, despite the petitioner's readiness to comply with any conditions that may be imposed by this Hon'ble Court for release of the vehicle.

4. The learned Government Advocate (Crl.Side) raised objections to return the vehicle, that the investigation has not been completed.



5. Considering the submissions made by the learned counsel on both sides and on perusal of the records, this Court directs the petitioner to approach the Drug Disposal Committee. If any application is filed, the same shall be considered and disposed of within a period of three weeks.

6. With the above direction, this Criminal Revision case is disposed of.

26-09-2025

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

1.State Rep by, The Inspector of Police
Prohibition Enforcement wing -
Coimbatore City, Coimbatore City.
(Cr.No. 465/2024)

2.The Additional District Judge /
Presiding Officer, Special Court for
Essential Commodities Act cases,
Coimbatore (FAC).

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



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T.V.THAMILSELVI J.
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