



WEB COPY

CRL RC No. 2000 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-10-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL RC No. 2000 of 2025

1. K.Velan

S/o. Karunanidhi, No.182A,
Senthukinaru Street, Porkunam Village,
Thiruvannamalai District - 632802.

Petitioner(s)

Vs

1. State Rep by, Inspector of Police
PEW Police Station, Vellore, Crime No.
590/2024.

Respondent(s)

CRL RC No. 2000 of 2025

PRAYER

To set aside the order passed by the Special District and Sessions judge (EC and NDPS Act) Cases at Salem in Crl.MP.No 541/2025 dated 07.07.2025.

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For Petitioner(s): R.Vetrivel
 K.Palaniswamy
 A.Jothimani



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

ORDER

This Criminal Revision Case has been filed to set aside the order passed by the Special District and Sessions judge (EC and NDPS Act) Cases at Salem in Crl.MP.No 541/2025 dated 07.07.2025.

2. The petitioner herein filed Crl.MP No. 541 of 2025 on the file of the Special District and Sessions judge (EC and NDPS Act) Cases, Salem, seeking interim custody of vehicle bearing registration No. TN 25 BR 5025. After considering the submission on either side, the Special Court under NDPS Act, dismissed the petition.

3. The case of the prosecution is that when the respondent police checking the vehicle at Christianpet check post at Katpadi, they found 4 boundless of the Ganja from passengers travelling in the bus. Hence, the case.

4. Heard the learned counsel appearing on either side and perused the materials available on record.



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5. The learned counsel for the petitioner submits that based on the confession of first accused the petitioner has been impleaded as A3. In fact, the contraband was not recovered from the petitioner's vehicle. However, they seized the petitioner's vehicle but without considering the said fact the court below dismissed the petition.

6. The learned Government Advocate (Crl. Side) submits that there is no previous case pending against the petitioner.

7. Considering the facts and circumstances of the case, the petitioner has impleaded as accused based on the confession of other accused and also the vehicle was not involved in the transportation of contraband. 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.



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8. In view of the above discussions, this Court is inclined to return the vehicle to the petitioner and accordingly, the order passed in Crl.M.P.No. 541 of 2025 dated 07.07.2025 by the Special District and Sessions judge (EC and NDPS Act) Cases at Salem, is hereby set aside. The learned Special District and Sessions judge (EC and NDPS Act) Cases at Salem, is directed to return the Tipper Lorry bearing Registration No.TN 25 BR 5025 to the petitioner, forthwith on the following conditions:-

(i) the petitioner is directed to execute an own bond for a sum of Rs.1,00,000/- (Rupees One lakh only) to the satisfaction of the concerned Magistrate to the credit of Crime No.84 of 2025 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.

7. Accordingly, the Criminal Revision Case stands allowed.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Special District and Sessions judge (EC and NDPS Act) Cases at Salem.
2. The Section Officer, V. R Section, High Court, Madras.



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T.V.THAMILSELVI J.

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