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CRL RC No. 2267 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-11-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL RC No. 2267 of 2025

D.Kumaravel
S/o. K.Dasaradhan,
No.26, D Block,
Dharshanamoorthy Koil Street, Old
Washermenpet, Chennai.

Petitioner(s)

Vs

State by, The Inspector of Police,
M-3, Puzhal Police Station,
Kolathur.
Crime No.954 of 2024

Respondent(s)

PRAYER: This Criminal Revision Case has been filed under Section 438 read with 442 of BNSS, to set aside the order passed in Crl.M.P.1442/2025 on 09.04.2025 by the Honble Principal Special Court under EC and NDPS Act, Chennai.

For Petitioner(s): Mr.M.Jaikumar

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

**ORDER**

WEB COPY This Criminal Revision case has been filed, challenging the order dated 09.04.2025 passed in CrI.M.P.1442 of 2025 on 09.04.2025 by the learned Principal Special Court under EC and NDPS Act, Chennai, thereby, dismissing the petition filed by the petitioner for return of Honda Motorcycle CB Unicorn bearing Reg.No.TN03-AA-5622 as well as Samsung S20 FE 5G smart mobile phone Vivo Y1 7S smart mobile phone, which were seized by the respondent police.

2. The learned counsel for the petitioner submitted that, the two wheeler and mobile phone belonging to the petitioner were seized in the investigation of Cr.No.954 of 2024, for the alleged offence under Sections 8(c), r/w 22(b), 25 and 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985, alleging that the petitioner had illegal possession of commercial quantity and 82.56 grams of Methamphetamine and 12 Nos. of Nitrovet Tablets. Pursuant to which, the seizure of contraband, petitioner's two wheeler and mobile phone were



produced before the Trial Court. Thereafter, the petitioner has filed petition for return of two wheeler as well as the mobile phone under Section 497 of BNSS, 2023, which was dismissed by the Trial Court vide order dated 09.04.2025. Aggrieved by the same, the petitioner has filed the present petition, seeking return of properties viz., two wheeler as well as the mobile phone.

3. The learned counsel for the petitioner submitted that admittedly, the petitioner is the owner of the aforesaid properties and on the allegation that the vehicle was involved in trafficking contraband, the vehicle and mobile phone have been seized and kept in open space. The petitioner, being the owner of the vehicle, is in no way connected with the said trafficking. Since the petitioner's vehicle has been seized and is being kept in open place, the vehicle is prone to corrosion and deterioration by being in open atmosphere, thereby, the value of the vehicle would diminish over a period of time. Further, for the purpose of his livelihood, the petitioner requires his vehicle and mobile phone as otherwise, he would be put to hardship and irreparable loss. It is also submitted that, a final report has been filed by the respondent police. Hence, he prays for appropriate



orders from this Court.

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

5. A perusal of the records reveals that the contraband, mobile phone and vehicle were seized from the petitioner and the same were produced before the Trial Court. The vehicle and mobile phone owned by the petitioner has nothing to do with the alleged offence. Therefore, production of the said vehicle and mobile phone as a material object is not essential for the purpose of trial in this case.

6. In view of the above discussions, this Court is inclined to order the return of the vehicle as well as the mobile phone to the petitioner. Accordingly, the order dated 09.04.2025 passed in Crl.M.P.1442 of 2025 on 09.04.2025 by the learned Principal Special Court under EC and NDPS Act, Chennai, is hereby set aside. The learned Principal Special Court under EC and NDPS Act,



Chennai, is directed to return the petitioner's properties viz., two wheeler and mobile phone forthwith subject to the following conditions:-

(i) the petitioner is directed to execute a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the satisfaction of the concerned Magistrate to the credit of Crime No.954 of 2024 pending on the file of the respondent police.

(ii) the petitioner shall deposit the original invoice or bill of the phone with the concerned Magistrate.

(iii) the seized items 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 mobile phone as well as the vehicle.

(v) the petitioner shall produce the two wheeler and mobile phone before the Court and before the respondent police as and when required;



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(vi) If any of the conditions are violated, this order automatically stands cancelled.

7. Accordingly, the Criminal Revision Case stands allowed.

06-11-2025

Jd

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Learned Principal Special Court under EC and NDPS Act,
Chennai.

2. State by, The Inspector of Police,
M-3, Puzhal Police Station, Kolathur.

Crime No.954 of 2024

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



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T.V.THAMILSELVI J.

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