



Crl.R.C.No. 20 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.08.2025

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.R.C.No. 20 of 2025

Abdul Wahid
S/o. Kaja Moideen

... Petitioner

Vs

The State rep. by
Inspector of Police
Thiruvannamalai East Police Station,
(Crime No.278 of 2024)

... Respondent

PRAYER: Criminal Revision Case is filed under Section 438 r/w 442 of BNSS Act, 2023, to call for the records and set aside the order passed in Crl.M.P.No. 1251 of 2024 dated 04.10.2024 on the file of the Special Judge for EC/NDPS Act Cases, Salem to return the Bajaj Maxima Diesel Three Wheeler (Auto) bearing registration number TN 25 BJ 3630.

For Petitioner : Mr. T.Elumalai

For Respondent : Mr.A.Gopinath
Government Advocate (Crl. Side)



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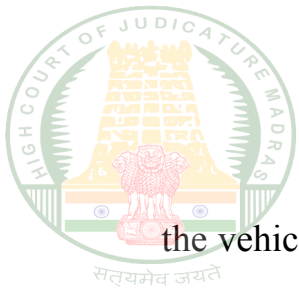
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ORDER

This Criminal Revision Case has been filed challenging the dismissal of the petitioner's application filed for return of his Bajaj Maxima Diesel Three Wheeler (Auto) bearing Regn.No.TN 25 BJ 3630.

2. The petitioner is the owner of the Bajaj Maxima Diesel Three Wheeler (Auto) bearing Regn.No.TN 25 BJ 3630. The petitioner is no way connected to the alleged offence. The respondent-police arrested one Dinesh and Balaji and registered a case against them for the offences punishable 8(c) r/w 20(b) (ii) (B) of NDPS Act in Crime No.278 of 2024 for transporting 500kgs of Ganga in the above mentioned Bajaj Maxima Diesel Three Wheeler (Auto). The petitioner sought for return of the said vehicle before the trial court and the trial court dismissed the said petition stating that since it is a case registered under NDPS Act, the vehicle used by the son of the petitioner is liable for confiscation and therefore he is not entitled for return of the vehicle.

3. The learned counsel for petitioner would submit that the vehicle was seized on 05.05.2024 and it is in the custody of the respondent and subjected to vagaries of the weather and kept idle in the police station. Hence, the value of



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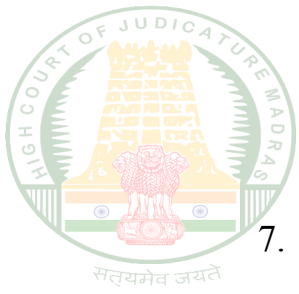
the vehicle would diminish and would be reduced to scrap; that the petitioner is

the proper person entitled to custody of the vehicle and therefore he may be permitted to take return of the Bajaj Maxima Diesel Three Wheeler (Auto) and undertook to abide by any stringent conditions imposed by this Court, subject to confiscation proceedings, if any initiated by the respondent.

4. The learned Government Advocate (Crl.side), per contra submitted that the respondent is yet to take steps to initiate confiscation proceedings and that stringent conditions may be imposed for return of the vehicle, subject to confiscation proceedings.

5. Heard the learned counsel appearing for the petitioner as well as the Government Advocate (crl.side) and perused the records.

6. Admittedly, the petitioner is the owner of the vehicle and the vehicle was seized on 05.05.2024 and it is kept in the police station in an open place, subject to the vagaries of weather. The Hon'ble Supreme Court had held that in such cases, the interim custody of the vehicle can be handed over to the owner who is entitled to proper custody on conditions. Hence, this Court is of the view that the Bajaj Maxima Diesel Three Wheeler (Auto) be returned to the petitioner.

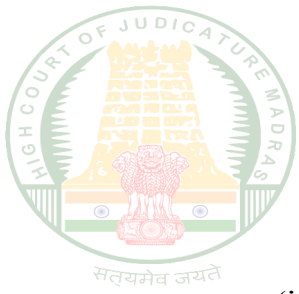


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7. Accordingly, this Criminal Revision Case is ***allowed*** and the impugned order dated 04.10.2024 passed by the learned Special Judge for EC & NDPS Act at Salem, in Crl.M.P.No.1251 of 2024 is set aside. In view of the same, the respondent is directed to return the vehicle bearing Regn.No.TN 25 BJ 3630, Bajaj Maxima Diesel Three Wheeler (Auto) to the petitioner, on the following conditions, subject to confiscation proceedings, if any initiated by the respondent.

(i). The petitioner shall execute a personal bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) with two sureties for a likesum to the satisfaction of the learned Special Judge for EC & NDPS Act at Salem.

(ii). The petitioner shall produce the original RC Book along with a self-attested Photostat copy of the RC Book of the vehicle and other relevant records to prove his ownership. The learned Special Judge for EC & NDPS Act at Salem, shall peruse the RC book and other records, retain a xerox copy of the same and return the original RC book to the petitioner;



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(iii). The petitioner shall not alter or alienate the vehicle in any manner;

(iv). The petitioner shall also give an undertaking that he will produce the vehicle as and when required by the respondent and by the court below.

(v) The return of property would be subject to the result of the confiscation proceedings, if any.

20.08.2025

Index : Yes/No
Neutral citation : Yes/No
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To

1.The Special Judge for
EC & NDPS Act, Salem

2.The Inspector of Police
Thiruvannamalai East Police Station.

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



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G.K.ILANTHIRAIYAN, J.

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