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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.11.2025

Coram:

The Honourable Mrs.Justice T.V.THAMILSELVI

Crl.R.C.No.2288 of 2025

Aakash Kumar

...Petitioner

Versus

The State Rep. By
The Inspector of Police,
G-3, Kilpauk PS, Kilpauk, Chennai – 10,
Chennai.
(Crime No.257/2025)

...Respondent

This Criminal Revision Case is filed under Sections 397 r/w. 401 of Cr.P.C and Section 497 of BNSS, 2023 praying to call for the record and set aside the order dated 23.10.2025 passed in Crl.M.P.No.14377 of 2025 on the file of the learned II Metropolitan Magistrate, Egmore District and allow this revision.

For Petitioner : Mr.S.Hemanth

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



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ORDER

This Criminal Revision Case has been filed by the petitioner seeking to set aside the order dated 23.10.2025 in CrI.M.P.No.14377 of 2025 passed by the learned II Metropolitan Magistrate, Egmore District.

2. The brief facts of the case are as follows:

The petitioner is an owner of the properties viz., Black Colour Aprilia Storm Bike bearing Registration No.TN 09 DC 7164 and Samsung A73 Mobile Phone. The said properties were seized by the respondent Police in connection with the case registered in Crime No.257 of 2025, where, petitioner was arrayed as Accused No.8. Therefore, petitioner had filed a petition in CrI.M.P.No.14377 of 2025 before the Court of II Metropolitan Magistrate, Egmore, Chennai, seeking to return the seized two wheeler and mobile phone to him. However, the learned II Metropolitan Magistrate, Egmore, Chennai vide Order dated 23.10.2025, dismissed the said petition for the reason that since the petitioner's properties were seized under the provisions of NDPS Act, the same cannot be returned to the petitioner upon



interim custody. Aggrieved by the said order, petitioner has filed the present Criminal Revision Case.

3. The learned counsel for petitioner submitted that petitioner is an innocent and he has been falsely implicated in this case. The petitioner's two wheeler and mobile phone were seized by the respondent Police during the course of investigation of the case registered in Crime No. 257 of 2025. Now, the said properties are in the custody of respondent Police. He further submitted that from the date of seizure, petitioner's two wheeler has been kept in sunlight and rain. If the seized vehicle is kept idle by exposing it to rain and shine, its value would be certainly deteriorated. Therefore, the learned counsel prayed that appropriate direction may be issued to the respondent Police to return the seized properties to petitioner.

4. On the other hand, the learned Government Advocate (Crl.Side) appearing on behalf of respondent Police submitted that on 06.10.2025, the respondent Police received a secret information that in Hotel Abu Palace situated at E.V.R. Salai, Kilpauk, some persons are celebrating party by



using the narcotic drug viz., Ganja. Based on the said information, the respondent Police went to Hotel Abu Palace and conducted a search. During the search, the respondent Police recovered 4 ½ kg of Ganja from one Mohamed Irfan (Accused No.1), pursuant to which, said Mohamed Irfan (Accused No.1) and 18 other suspected persons were arrested. That apart, during the said search, the respondent Police seized the mobile phones and vehicles used by the accused.

4.1. It is further submitted by the learned Government Advocate (Crl.Side) appearing for respondent Police that the petitioner was arrayed as Accused No.8 in Crime No.257 of 2025. The respondent Police had seized the petitioner's two wheeler and mobile phone under the provisions of NDPS Act.

4.2. The learned Government Advocate (Crl.Side) appearing for respondent Police also submitted that the Madurai Bench of this Court has laid down a procedure in Judgment dated 09.07.2025 in Criminal Appeal No.192 of 2024 that the vehicle seized under the provisions of NDPS Act



cannot be returned by way of filing applications under Sections 451 & 452 of Cr.P.C that is present provisions of 497 & 503 of BNSS, 2023. As per the said procedure, the Magistrate does not have jurisdiction to hear the applications filed under Sections 451 & 452 of Cr.P.C. Therefore, the learned II Metropolitan Magistrate, Egmore, Chennai has rightly dismissed CrI.M.P.No.14377 of 2025 filed by the petitioner.

5. Heard the learned counsel for petitioner and the learned Government Advocate (CrI.Side) for respondent Police.

6. From a perusal of the materials available on record, it is seen that petitioner is an absolute owner of the properties viz., Black Colour Aprilia Storm Bike bearing Registration No.TN 09 DC 7164 and Samsung A73 Mobile Phone which were seized by the respondent Police during the course of investigation of the case in Crime No.257 of 2025. The petitioner is no way connected to the alleged offence. However, the petitioner was arrested and his two wheeler and mobile phone were seized by the respondent Police. It is also seen that the contraband Ganja was recovered from



Mohamed Irfan (Accused No.1) and not from the petitioner. That apart, the petitioner had no knowledge or connection with the possession and use of Ganja by the other accused.

7. Considering the submissions made by the learned counsel for petitioner and taking note of the provision under Section 451 of Cr.P.C and Section 497(1) of BNSS, 2023 which deal with the proper custody of property involved in criminal proceedings, this Court is inclined to set aside the impugned order and to issue appropriate direction to the respondent Police to return the seized properties to petitioner.

8. Accordingly, order dated 23.10.2025 in CrI.M.P.No.14377 of 2025 passed by the learned II Metropolitan Magistrate, Egmore District is set aside and the respondent Police is directed to return the seized properties viz., Black Colour Aprilia Storm Bike bearing Registration No.TN 09 DC 7164 and Samsung A73 Mobile Phone to petitioner subject to the following conditions:



(i) The petitioner shall execute a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the satisfaction of the concerned learned Magistrate to the credit of Crime No.257 of 2025 pending on the file of respondent Police.

(ii) The petitioner shall deposit the original RC Book of the seized two wheeler and original invoice or bill of the seized mobile phone with the concerned learned Magistrate.

(iii) The concerned learned Magistrate shall not hand over the original RC Book of the two wheeler to petitioner till the completion of trial.

(iv) The seized two wheeler and mobile phone should be photographed at the cost of petitioner and a list has to be prepared and the same has to be signed by the petitioner.

(v) The petitioner shall not alienate and shall not make any alteration in the said two wheeler and mobile phone.

(vi) The petitioner shall produce the two wheeler and mobile phone before the Court and also, before the respondent Police, as and when required.



(vii) If any of the above conditions are violated, this order shall stand automatically cancelled.

9. This Criminal Revision Case shall stand allowed on the above terms.

07.11.2025

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Index: Yes/No

Speaking Order (or) Non-Speaking Order

To

- 1.The II Metropolitan Magistrate,
Egmore District.
- 2.The Inspector of Police,
G-3, Kilpauk PS, Kilpauk, Chennai – 10,
Chennai.
- 3.The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI, J.

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