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Crl.R.C.No.2746 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2025

CORAM:

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.R.C.No.2746 of 2025

Mohammed Roshan

...Petitioner

-Vs-

The State Rep. By
The Inspector of Police,
S-4 Nandampakkam Police Station,
Chennai.
Crime No.158 of 2024

...Respondent

PRAYER: Criminal Revision Petition is filed under Sections 497 r/w 503 of BNSS, praying to set aside the order passed in Crl.M.P.No.6453 of 2025 dated 15.10.2025 in C.C.No.551 of 2025 in Crime No.158 of 2024 on the file of the learned I Additional Special Court under EC & NDPS Act, Chennai.

For Petitioner : Mr.K.Subburaj

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

ORDER

The revision petition challenges the dismissal of the petitioner's application filed under Sections 497 and 503 of BNSS Act, seeking interim custody of Two Wheeler bearing registration No.TN-01-BR-6528.



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2. The petitioner is an accused in C.C.No.551 of 2025, for the offences under Sections 8(c) read with 22(b), 25 and 29(1) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

3. During the course of investigation in the said case, the petitioner's vehicle, which is alleged to have been involved in the transportation of contraband, namely 25 numbers of MDMA tablets weighing 10.28 grams, was seized by the respondent police.

4. The petitioner sought return of the said vehicle by filing Crl.M.P.No.6453 of 2025 in C.C.No.551 of 2025 before the learned I Additional Special Court for NDPS Act Cases, Chennai-104. The learned Judge dismissed the said petition on the ground that the petitioner is an accused in the case and, therefore, the vehicle cannot be returned.

5. The learned counsel for the petitioner would submit that the vehicle, if kept idle, would be subjected to the vagaries of the weather and its value would diminish; and that in view of the directions issued by the Hon'ble Supreme Court with regard to interim custody of seized vehicles; the vehicle may be returned to the petitioner, subject to stringent conditions to be imposed by this Court.



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6. The learned Government Advocate (Crl. Side), per contra, would submit that no confiscation proceedings have been initiated so far; that the petitioner has no bad antecedents; and that the case relates to possession of an intermediate quantity of MDMA tablets.

7. Considering the fact that the petitioner's vehicle, which was seized on 10.07.2025, is lying idle at the police station and is subjected to the vagaries of the weather; that no confiscation proceedings have been initiated till date; this Court is inclined to direct that interim custody of the vehicle be handed over to the petitioner, subject to conditions.

8. Accordingly, this Criminal Revision Case is allowed; the impugned order dated 15.10.2025 made in Crl.M.P.No.6453 of 2025 on the file of the learned I Additional Special Court under EC & NDPS Act, Chennai, is set aside; and the respondent police are directed to return the vehicle bearing Registration No.TN-01-BR-6528 to the petitioner, subject to the following conditions:

(i) The petitioner shall execute a personal bond for a sum of Rs.50,000/- (Rupees Fifty Thousand Only) with two sureties for a likesum to the satisfaction of the learned I Additional Special Court under EC & NDPS Act, Chennai;

(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



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ownership. The learned I Additional Special Court under EC & NDPS Act, Chennai, shall peruse the RC book and other records, retain a xerox copy of the same and return the original RC book to the petitioner;

(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.

15.12.2025

cda

To

- 1.The I Additional Special Court under EC & NDPS Act,
Chennai.
- 2.The Inspector of Police,
S-4 Nandampakkam Police Station,
Chennai.
- 3.The Public Prosecutor,
High Court, Madras.

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