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CRL RC No. 2765 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-12-2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CRL RC No. 2765 of 2025

1. Jatti Subramanyam
S/o.J.Mareppa, No.1-179,
Moravapallee, Reddivaripalle, Chittor,
Andhra Pradesh.

Petitioner(s)

Vs

1. The state rep.by,
The Inspector of Police,
P-2, Otteri Police Station, Chennai.
Cr.No.1340/2024.

Respondent(s)

PRAYER

Criminal Revision Petition filed under Section 438 read with 442 of BNSS to set aside the order passed in Crl.MP.No.6497 of 2025 dated 11.12.2025 on the file of Honble Special Judge, IInd Additional Special Court for NDPS Act cases at Chennai.

For Petitioner(s): M/s.M.S.Ramesh

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

ORDER

The revision challenges the dismissal of the petitioner's application filed under Section 497 and 503 of BNSS for return of KTM bike bearing registration No.AP 39 SV 9751, which was seized by the respondent Police.



2. A First Information Report was registered in Crime No.1340 of 2024 for the alleged offence under Sections 296(b), 132, 109, 352(3) of BNS and Section 8 (c) r/w. 20 (b)(ii)(C), 25 and 29 (1) of the NDPS Act and Section 25(1A) of Arms Act against accused for possession of 21 kg of ganja. During the course of investigation, the petitioner's vehicle which was used for transporting contraband was seized.

3. The petitioner sought for return of vehicle before the learned Special Judge, II Additional Special Court for NDPS Act cases at Chennai. The learned Judge dismissed the said petition on the ground that the petitioner's vehicle was involved in possession of commercial quantity of contraband and if the vehicle is returned, he would indulge in similar offences. The learned Judge further directed the vehicle to be produced before the Drug Disposal Committee for appropriate orders.

4. The learned counsel appearing for the petitioner would submit that the vehicle is kept idle ever since the date of seizure on 09.12.2024; that the petitioner is not an accused and is merely the owner of the vehicle; and that he is willing to abide by any stringent conditions for return of vehicle.

5. The learned Government Advocate (Criminal Side) on instructions would submit that the petitioner is not an accused in this case; that since the



vehicle is directed to be produced before the Drug Disposal committee under Section 52A of NDPS Act, the vehicle may not be returned to the petitioner.

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6. The Honble Supreme Court in a recent decision (**Bishwajit Dey v. The State of Assam (Crl.Appeal No.87 of 2025 dated 07.01.2025)**), has held that there is no bar in granting interim custody of the vehicle seized in a case registered under the NDPS case to its owner. The relevant observations read as follows:

“□22. This Court is further of the opinion that there is no specific bar/restriction under the provisions of the NDPS Act for return of any seized vehicle used for transporting narcotic drug or psychotropic substance in the interim pending disposal of the criminal case.

23. In the absence of any specific bar under the NDPS Act and in view of Section 51 of NDPS Act, the Court can invoke the general power under Sections 451 and 457 of the Cr.P.C. for return of the seized vehicle pending final decision of the criminal case. Consequently, the trial Court has the discretion to release the vehicle in the interim. However, this power would have to be exercised in accordance with law in the facts and circumstances of each case.”□

7. Considering the fact that the petitioner is not an accused in the case and is the owner of the vehicle, and in the light of the aforesaid observations,



this Court is inclined to handover the interim custody of the vehicle to the petitioner, on the following conditions:

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(i) The petitioner shall execute a bond for a sum of Rs.3,00,000/~ (Rupees Three lakhs only) with two sureties to the satisfaction of the learned Special Judge, II Additional Special Court for NDPS Act cases at Chennai.;

(ii) The petitioner shall produce the original RC Book along with self attested photostat copy of RC Book of the vehicle and other relevant records to prove his ownership. The learned Special Judge shall peruse the RC book and other records, retain 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 till adjudication is over;

(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 orders that may be passed by the Drug Disposal Committee.

8. Accordingly, this Criminal Revision Case is allowed and the impugned order dated 11/12/2025 passed by the learned Special Judge, II Additional Special Court for NDPS Act cases at Chennai, in Crl.M.P.No.6497 of 2025 in Crime No.1340 of 2024 is set aside.



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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To

1. The Special Judge,
II Additional Special Court for NDPS Act cases at Chennai
2. The The Inspector of Police,
P-2, Otteri Police Station, Chennai.
3. The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN J.

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