



W.P.(MD)No.3947 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.3947 of 2025

Markandan

: Petitioner

Vs.

1. The Deputy Superintendent of Police,
Prohibition Enforcement Wing (PEW),
Virudhunagar, Virudhunagar District.

2. The Inspector of Police,
Tiruchuli Police Station,
Virudhunagar District.
(In Crime No. 369 of 2024).

3. M.Sajir

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st respondent to release the petitioners vehicle bearing Reg.No. TN 58 BB 4622 branded namely, Hero Splendor Plus, pending disposal of the confiscation proceedings of the 1st respondent in connection with FIR in Crime No. 369 of 2024 on the file of the 2nd respondent by considering the



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petitioners representation dated 31.12.2024.

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For Petitioner : Mr.A.Balaji

For Respondents : Mr.K.Gnanasekaran

Government Advocate

ORDER

The petitioner, with a grievance that his two-wheeler bearing Reg.No.TN-58-BB-4622, was seized by the second respondent on 02.11.2024, on the ground that the said vehicle was used for commission of offence under Sections 4(1)(a) and 14(A) of the Tamil Nadu Prohibition (Amendment) Act, 2024, has filed this writ petition for a Mandamus, directing the first respondent to release his vehicle.

2. The learned counsel appearing for the petitioner submits that the petitioner has lent the two-wheeler to one Panneerselvam in a *bona fide* manner. On 02.11.2024, the second respondent Police, on vehicle check up, found that the said Panneerselvam was found in possession of 14 liquor bottles in the said vehicle and therefore, the second respondent Police has registered a case in Crime No. 369 of 2024 under Sections 4(1)(a) and 14(A) of the Tamil Nadu Prohibition (Amendment) Act, 2024. The petitioner is an innocent person and he was



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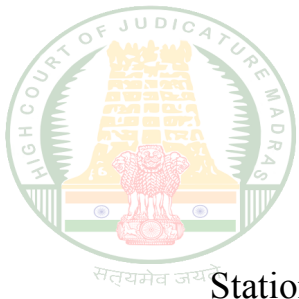
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not added as an accused in the said case. He further submits that the petitioner also submitted a representation on 14.12.2024 seeking interim custody of the vehicle. However, since the same was not considered, the petitioner has filed the present writ petition

3. The learned Government Advocate (Crl. Side), appearing on behalf of the respondents, submits that the petitioner's vehicle was used for illegal transportation of 14 liquor bottles and therefore, the vehicle has been seized by the respondent Police in Cr.No. 369 of 2024 for the offence under Sections 4(1)(a) and 14(A) of the Tamil Nadu Prohibition (Amendment) Act, 2024. He further submits that the respondent Police has initiated action for confiscation of the vehicle, as per Section 14 of the Tamil Nadu Prohibition Act.

4. Heard the learned counsel for the parties and perused the materials available on record.

5. In ***Sunderbhai Ambalal Desai and others Vs. State of Gujarat***, reported in **(2002) 10 SCC 283**, the Hon'ble Supreme Court has observed that it is of no use to keep such seized vehicles at the Police



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Station for a long period. The claim of the petitioner is that he has only lent his vehicle for a good cause and not involved in the case.

6. Considering the fact that the petitioner's vehicle, which was seized in the month of November 2024, is kept idle without any usage and also considering the ratio laid down by the Hon'ble Supreme Court in *Sunderbhai Ambalal Desai and others vs. State of Gujarat*, reported in (2002) 10 SCC 283, this writ petition is disposed of with the following directions:

(i) the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees fifty thousand only) in favour of the first respondent;

(ii) The petitioner shall file an undertaking affidavit that he would produce the vehicle as and when required by the respondents for enquiry;

(iii) the petitioner shall co-operate for the confiscation proceedings, if any, initiated by the respondents and;

(iv) the petitioner shall not change or alter the condition of the vehicle and shall not alienate or



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encumber the vehicle till the proceedings are completed.

No costs.

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Index : Yes / No

Internet : Yes / No

PKN

To

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VIVEK KUMAR SINGH, J.

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