

Crl.R.C.(MD)No.212 of 2023 etc. batch

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 07.03.2025, 20.03.2025,
27.03.2025 and 29.03.2025

Pronounced on : 04.08.2025

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)Nos.212 of 2023, 1004, 1117, 1130, 1195, 1234, 1291, 1301,
1365 of 2024 and 150, 171, 176, 196, 201, 219, 285, 312, 334, 340, 351,
394, 439, 467, 504, 512, 518 and 536 of 2025
and
Crl.M.P.(MD)No.1557 of 2025

Crl.R.C.(MD)No.212 of 2023

Amutha

... Petitioner

Vs.

State through
Station House Officer,
Seidunganallur Police Station,
Tirunelveli District.
(Crime No.153 of 2022)

... Respondent

Prayer : This Criminal Revision Case filed under Sections 397 r/w 401 Cr.P.C., to call for the records relating to the order passed by the learned Additional District Judge, Principal Special Court for EC and NDPS Act Cases, Madurai in Cr.M.P.No.3201 of 2022 dated 04.01.2023 set aside the same and allow this revision petition.



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Crl.R.C.(MD)No.212 of 2023 etc. batch

For Petitioner : Mr.C.Venkatesh
For Respondent : Mr.T.Senthil Kumar
Additional Public Prosecutor

Crl.R.C.(MD)No.1004 of 2024

Rishav Devsahu ... Petitioner

Vs.

Narcotics Control Bureau,
Ministry of Home Affairs,
Govt of India, Madurai.
(Crime No.48/1/21 of 2023) ... Respondent

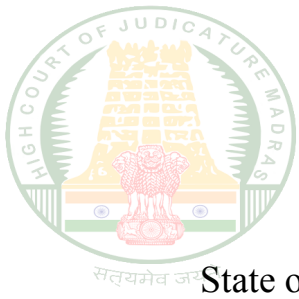
Prayer : This Criminal Revision Case filed under Sections 438 r/w 442 B.N.S.S., to call for the records and set aside the order passed by the learned Principal Special Court for NDPS Act Cases, Madurai in Crl.M.P.No.2444 of 2024 in C.C.No.136 of 2024 dated 06.09.2024 by allowing this revision petition.

For Petitioner : Mr.G.Kasinathadurai
For Respondent : Mr.C.Arul Vadivel @ Sekar
Senior Counsel for NCB Cases

Crl.R.C.(MD)No.1117 of 2024

K.Petchimuthu ... Petitioner

Vs.



Crl.R.C.(MD)No.212 of 2023 etc. batch

State of Tamilnadu represented by
The Inspector of Police,
Vickramasingapuram Police Station,
Tirunelveli District.
(Crime No.330 of 2024)

... Respondent

Prayer : This Criminal Revision Case filed under Sections 438 r/w 442 B.N.S.S., to call for the records pertaining to the order dated 03.10.2024 made in Crl.M.P.No.1774 of 2024 in Crime No.330 of 2024 passed by the learned Judicial Magistrate, Ambasamudram and set aside the same.

For Petitioner : Mr.D.Venkatachalam

For Respondent : Mr.T.Senthil Kumar
Additional Public Prosecutor

Crl.R.C.(MD)No.1130 of 2024

K.Petchimuthu

... Petitioner

Vs.

State of Tamilnadu represented by
The Inspector of Police,
Vickramasingapuram Police Station,
Tirunelveli District.
(Crime No.330 of 2024)

... Respondent

Prayer : This Criminal Revision Case filed under Sections 438 r/w 442 B.N.S.S., to call for the records pertaining to the order dated 16.10.2024 made in Crl.M.P.No.1754 of 2024 in Crime No.330 of 2024 passed by the learned Judicial Magistrate, Ambasamudram and set aside the same.



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Crl.R.C.(MD)No.212 of 2023 etc. batch

For Petitioner : Mr.D.Venkatachalam
For Respondent : Mr.T.Senthil Kumar
Additional Public Prosecutor

Crl.R.C.(MD)No.1195 of 2024

1.Seethalakshmi
2.Solaikani ... Petitioners

Vs.

The Inspector of Police,
Othakadai Police Station,
Madurai District.
(Crime No.250 of 2023) ... Respondent

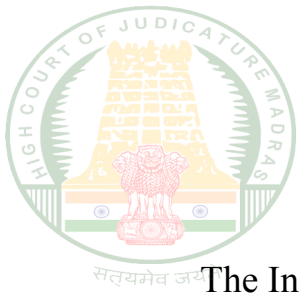
Prayer : This Criminal Revision Case filed under Sections 438 r/w 442 B.N.S.S., to call for the records pertaining to the order passed in Crl.M.P.No.1656 of 2024 dated 28.06.2024 by the Additional District Court, (Principal Special Court for NDPS Act Cases), Madurai, set aside the same, allow the revision.

For Petitioners : Mr.A.Jayaramachandran
For Respondent : Mr.T.Senthil Kumar
Additional Public Prosecutor

Crl.R.C.(MD)No.1234 of 2024

Rajesh ... Petitioner

Vs.



Crl.R.C.(MD)No.212 of 2023 etc. batch

The Inspector of Police,
PEW Karur Police Station,
Karur District.
(Crime No.26 of 2024)

... Respondent

Prayer : This Criminal Revision Case filed under Sections 438 r/w 442 B.N.S.S., to call for the records pertaining to the order dated 27.04.2024 made in Crl.M.P.No.1559 of 2024 on the file of the learned Additional District and Sessions Judge, Pudukkottai in Crime No.26 of 2024 on the file of the respondent police and set aside the same by allowing the above revision petition.

For Petitioner : Mr.S.Harish

For Respondent : Mr.T.Senthil Kumar
Additional Public Prosecutor

Crl.R.C.(MD)No.1291 of 2024

MeeraMaideen

... Petitioner

Vs.

The State represented by
The Inspector of Police,
PEW-Madurai City,
Madurai District.
(Crime No.203 of 2024)

... Respondent

Prayer : This Criminal Revision Case filed under Sections 438 r/w 442 B.N.S.S., to call for the records pertaining to the impugned order in



Crl.R.C.(MD)No.212 of 2023 etc. batch

Crl.M.P.No.2295 of 2024 dated 26.03.2024 on the file of the learned Judicial Magistrate Court No.6, Madurai and set aside the same as illegal and void, consequently, direct the respondent police to release the Apple iPhone 14.

For Petitioner : Mr.K.Dinesh

For Respondent : Mr.T.Senthil Kumar
Additional Public Prosecutor

Crl.R.C.(MD)No.1301 of 2024

Suresh

... Petitioner

Vs.

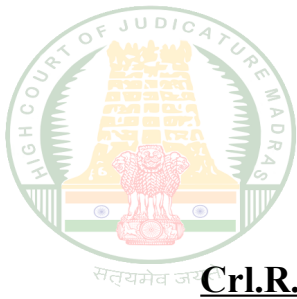
The State of Tamilnadu represented by
The Inspector of Police,
Kalaiyarkovil Police Station,
Sivagangai District.
(Crime No.377 of 2024)

... Respondent

Prayer : This Criminal Revision Case filed under Sections 438 r/w 442 B.N.S.S., to call for the records pertaining to Crl.M.P.No.5565 of 2024 dated 19.11.2024 on the file of the Additional District and Sessions Judge, Special Court for E.C & NDPS Act Cases, Pudukkottai and set aside the same by allowing the revision petition.

For Petitioner : Mr.A.Mohan

For Respondent : Mr.T.Senthil Kumar
Additional Public Prosecutor



Crl.R.C.(MD)No.212 of 2023 etc. batch

Crl.R.C.(MD)No.1365 of 2024

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Syed Ibrahim

... Petitioner

Vs.

The State of Tamilnadu represented by its
The Inspector of Police,
Pamban Police Station,
Ramanathapuram District.
(Crime No.162 of 2024)

... Respondent

Prayer : This Criminal Revision Case filed under Sections 438 r/w 442 B.N.S.S., to call for the records relating to the order of the learned Additional District and Sessions Judge / Presiding Officer, Special Court for E.C. and NDPS Act Cases, Pudukottai dated 08.11.2024 in Crl.M.P.No. 5361 of 2024 filed by the petitioner under Sections 503 and 497 Cr.P.C. and set aside the same as illegal and entrust the interim custody of the vehicle bearing Reg.No.TN-65-AL-7025 Maruthi Suzuki Swift VXi, Chassis No.MBHCZC63SC 589732, Engine No.K12MP1216923 to the petitioner, in a manner known to law by allow the above criminal revision petition as prayed for.

For Petitioner : Mr.M.Jegadeesh Pandian

For Respondent : Mr.T.Senthil Kumar
Additional Public Prosecutor

Crl.R.C.(MD)No.150 of 2025

Gomathi

... Petitioner



Crl.R.C.(MD)No.212 of 2023 etc. batch

Vs.

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State represented by
The Inspector of Police,
Kodavasal Police Station,
Thiruvarur District.
(Crime No.487 of 2023)

... Respondent

Prayer : This Criminal Revision Case filed under Sections 438 r/w 442 B.N.S.S., to call for the records in Crl.M.P.No.1852 of 2024 dated 08.10.2024 on the file of the Additional District Judge / Special Officer, Special Court under Essential Commodities Act, Thanjavur and to set aside the same.

For Petitioner : Mr.AK.Gopalan

For Respondent : Mr.T.Senthil Kumar
Additional Public Prosecutor

Crl.R.C.(MD)No.171 of 2025

Gokul Prasad

... Petitioner

Vs.

State represented by
The Inspector of Police,
Sempatti Police Station,
Dindigul District.
(Crime No.195 of 2024)

... Respondent

Prayer : This Criminal Revision Case filed under Sections 438 r/w 442 B.N.S.S., to call for the records and set aside the order passed in



Crl.R.C.(MD)No.212 of 2023 etc. batch

Crl.M.P.No.3864 of 2024 dated 02.01.2025 on the file of the learned Principal Special Court for EC and NDPS Act Cases, Madurai pertaining to Crime No.195 of 2024 on the file of the respondent police and consequently direct the respondent to grant the interim custody of the petitioner's vehicle (Lorry (Brown Color) bearing Registration No.TN-40K-8739 to the petitioner by allowing this revision petition.

For Petitioner : Mr.T.Balakrishnan

For Respondent : Mr.T.Senthil Kumar
Additional Public Prosecutor

Crl.R.C.(MD)No.176 of 2025

P.Sivapandian

... Petitioner

Vs.

State represented by
The Station House Officer (SHO),
Usilampatti Police Station,
Madurai District.
(Crime No.359 of 2021)

... Respondent

Prayer : This Criminal Revision Case filed under Sections 438 r/w 442 B.N.S.S., to call for the records pertaining to the order passed in Cr.M.P.No.3134 of 2024 by the learned Principal Special Court for Narcotic Drugs and Psychotropic Substances Act Cases, Madurai dated 23.10.2024 an set aside the same directing the respondent to return the vehicle TATA ZEST XM QJET 90PS – Sedan car bearing



Crl.R.C.(MD)No.212 of 2023 etc. batch

Regn.No.TN-63-AJ-5445 for interim custody to the petitioner which seized by the respondent police from the petitioner in Crime No.359 of 2021 and the same was produced before Court and remanded in R.P.R.No. 403 of 2021 pending trial in C.C.No.816 of 2022.

For Petitioner : Mr.K.Anandan

For Respondent : Mr.T.Senthil Kumar
Additional Public Prosecutor

Crl.R.C.(MD)No.196 of 2025

Kalyani

... Petitioner

Vs.

State of Tamilnadu represented by
The Inspector of Police,
Thanjavur West Police Station,
Thanjavur District.
(Crime No.494 of 2024)

... Respondent

Prayer : This Criminal Revision Case filed under Sections 438 r/w 442 B.N.S.S., to call for the records pertaining to the order dated 17.12.2024 made in Cr.M.P.No.8439 of 2024 on the file of the Additional District Judge / Presiding Officer, Special Court under Essential Commodities Act, Thanjavur and set aside the order and direct the respondent herein to grant the interim custody of the vehicle viz., Bajaj Pulsar-220 Two-wheeler bearing Registration No.TN-49-CK-7363, which has been seized by the respondent herein in Crime No.494 of 2024.



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Crl.R.C.(MD)No.212 of 2023 etc. batch

For Petitioner : Mr.K.M.Karunakaran
For Respondent : Mr.T.Senthil Kumar
Additional Public Prosecutor

Crl.R.C.(MD)No.201 of 2025

Rajapushpam ... Petitioner

Vs.

The State of Tamilnadu through
The Inspector of Police,
Colachel Police Station,
Kanyakumari District.
(Crime No.284 of 2024)

... Respondent

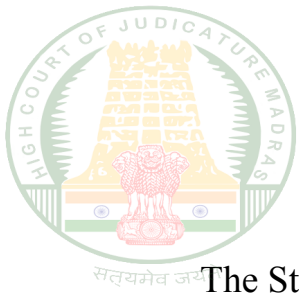
Prayer : This Criminal Revision Case filed under Sections 438 r/w 442 B.N.S.S., to modify the order dated 28.11.2024 in Crl.M.P.No.2006 of 2024 with regarding of petitioner's Mobile VIVO V-30 on the file of the learned Judicial Magistrate, Eraniel, Kanyakumari District and allow the above criminal revision petition.

For Petitioner : Mr.B.Micheal Sebastin
For Respondent : Mr.T.Senthil Kumar
Additional Public Prosecutor

Crl.R.C.(MD)No.219 of 2025

K.Sakthiyendran ... Petitioner

Vs.



Crl.R.C.(MD)No.212 of 2023 etc. batch

The State of Tamilnadu represented by
The Inspector of Police,
Jaihindpuram Police Station,
Madurai City.
(Crime No.310 of 2024)

... Respondent

Prayer : This Criminal Revision Case filed under Sections 438 r/w 442 B.N.S.S., to call for the records pertaining to the order in Cr.M.P.No.3370 of 2024 dated 22.01.2025 on the file of the Judicial Magistrate No.IV, Madurai in Crime No.310 of 2024 on the file of the respondent police and set aside the same as illegal and direct the respondent to release the petitioner's vehicle "Maruthi Swift bearing Registration No.TN-02-W-5644"

For Petitioner : Mr.I.Pinaygash

For Respondent : Mr.T.Senthil Kumar
Additional Public Prosecutor

Crl.R.C.(MD)No.285 of 2025

J.Karthick Kannan

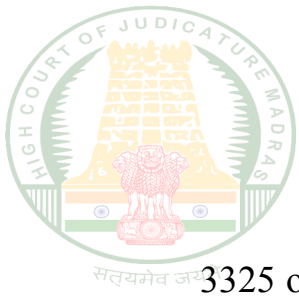
... Petitioner

Vs.

State of Tamilnadu represented by
The Station House Officer,
Perungudi Police Station,
Madurai District.
(Crime No.151 of 2024)

... Respondent

Prayer : This Criminal Revision Case filed under Sections 438 r/w 442 B.N.S.S., to call for the records relating to the order passed in Crl.M.P.No.



Crl.R.C.(MD)No.212 of 2023 etc. batch

3325 of 2024 on the file of the Principal Special Court for Narcotic Drugs and Psychotropic Substances Act Cases, Madurai dated 11.11.2024 and set aside the same and to allow this criminal revision case.

For Petitioner : Mr.C.Jeya Prakash

For Respondent : Mr.T.Senthil Kumar
Additional Public Prosecutor

Crl.R.C.(MD)No.312 of 2025

Vimalkumar

... Petitioner

Vs.

The State of Tamilnadu represented by
The Inspector of Police,
Mayiladuthurai Police Station,
Mayiladuthurai District.
(Crime No.31 of 2025)

... Respondent

Prayer : This Criminal Revision Case filed under Sections 438 r/w 442 B.N.S.S., to call for the records relating to Cr.M.P.No.713 of 2025 on the file of the learned Additional District Court / Special Court under Essential Commodities Act, Thanjavur dated 07.02.2025 and to set aside the same and further direct the learned Additional District Court / Special Court under Essential Commodities Act, Thanjavur to grant interim custody of vehicle Maruthi Dzire car VDI bearing Registration No.TN-31-CB-2055 to the petitioner.



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Crl.R.C.(MD)No.212 of 2023 etc. batch

For Petitioner : Mr.M.Benazir Begum
For Respondent : Mr.T.Senthil Kumar
Additional Public Prosecutor

Crl.R.C.(MD)No.334 of 2025

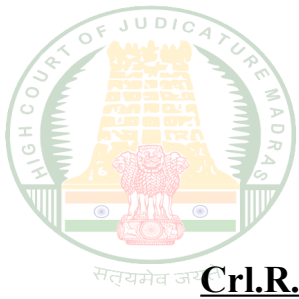
S.Mohamed Rabeek ... Petitioner

Vs.

The State of Tamilnadu represented by
The Inspector of Police,
PEW Alangudi Police Station,
Pudukkottai District.
(Crime No.876 of 2023) ... Respondent

Prayer : This Criminal Revision Case filed under Sections 438 r/w 442 B.N.S.S., to call for the records pertaining to order dated 10.01.2025 passed by the Additional District and Session Judge / Presiding Officer Special Court for EC and NDPS Act cases, Pudukkottai in Crl.M.P.No. 5863 of 2024 in Crime No.867 of 2023 on the file of the respondent police station and set aside the same by allowing the above criminal revision petition and further directing the respondent police to return the Four Wheeler namely Innova bearing Registration No.TN-01-AB-8544 to the revision petitioner.

For Petitioner : Mr.N.Balasubramanian
For Respondent : Mr.T.Senthil Kumar
Additional Public Prosecutor



Crl.R.C.(MD)No.212 of 2023 etc. batch

Crl.R.C.(MD)No.340 of 2025

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Amanullah Khan

... Petitioner

Vs.

The State of Tamilnadu represented by
The Inspector of Police,
Thuckalay Police Station,
Kanyakumari District.
(Crime No.593 of 2024)

... Respondent

Prayer : This Criminal Revision Case filed under Sections 438 r/w 442 B.N.S.S., to call for the records relating to the impugned order passed by the learned Principal Special Court for Narcotic Drugs and Psychotropic Substances Act Cases, Madurai in Crl.M.P.No.359 of 2025 order dated 04.03.2025 and set aside the same and allow this revision petition and grant interim custody of the petitioner's vehicle model KTM 390 DUKE VX bearing Registration No.TN-74-BD-1502 to the petitioner.

For Petitioner : Mr.R.J.Karthick

For Respondent : Mr.T.Senthil Kumar
Additional Public Prosecutor

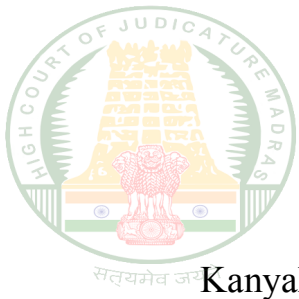
Crl.R.C.(MD)No.351 of 2025

V.Sonu

... Petitioner

Vs.

State of Tamilnadu represented by
The Inspector of Police,
Suchindram Police Station,



Crl.R.C.(MD)No.212 of 2023 etc. batch

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Kanyakumari District.
(Crime No.535 of 2024)

... Respondent

Prayer : This Criminal Revision Case filed under Sections 438 r/w 442 B.N.S.S., to call for the records and set aside the order passed in Crl.M.P.No.358 of 2025 dated 04.03.2025 on the file of the learned Principal Special Court for EC & NDPS Act Cases, Madurai pertaining to Crime No.535 of 2024 on the file of the respondent police and consequently direct the respondent to grant the interim custody of the petitioner's vehicle (Car) bearing Registration No.TN-02-BJ-7513 to the petitioner by allowing this revision petition.

For Petitioner : Mr.B.Micheal Sebastin

For Respondent : Mr.T.Senthil Kumar
Additional Public Prosecutor

Crl.R.C.(MD)No.394 of 2025

Akash Mariappan Raja

... Petitioner

Vs.

State of Tamilnadu represented by
The Inspector of Police,
P.E.W. Kovilpatti Police Station,
Thoothukudi District.
(Crime No.489 of 2024)

... Respondent

Prayer : This Criminal Revision Case filed under Sections 438 r/w 442 B.N.S.S., to call for the records relating to the order dated 31.01.2025 in



Crl.R.C.(MD)No.212 of 2023 etc. batch

Crl.M.P.No.186 of 2025 in Crime No.489 of 2024 on the file of the learned Judicial Magistrate No.I, Kovilpatti, set aside the same and consequentially direct the learned Judicial Magistrate No.I, Kovilpatti to return the vehicle Pulsar 150 bearing Registration No.TN-96-W-7915 to the petitioner herein.

For Petitioner : Mr.M.Prabu

For Respondent : Mr.T.Senthil Kumar
Additional Public Prosecutor

Crl.R.C.(MD)No.439 of 2025

Muhammed Sahil B.P.

... Petitioner

Vs.

State of Tamilnadu represented by
The Inspector of Police,
Kodaikanal Police Station,
Dindigul District.
(Crime No.465 of 2024)

... Respondent

Prayer : This Criminal Revision Case filed under Sections 438 r/w 442 B.N.S.S., to call for the records relating to the impugned order passed by the learned Additional District Judge, Principal Special Court for NDPS Act Cases, Madurai in Cr.M.P.No.462 of 2025 dated 07.03.2025 and set aside the same and consequently order to return the petitioner's Toyota Etios Livacar bearing registration No.KL-47-F-3653.



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Crl.R.C.(MD)No.212 of 2023 etc. batch

For Petitioner : Mr.Shaazim Shagar
For Respondent : Mr.T.Senthil Kumar
Additional Public Prosecutor

Crl.R.C.(MD)No.467 of 2025

Poomani ... Petitioner

Vs.

State of Tamilnadu represented by
The Inspector of Police,
Naducavery Police Station,
Thanjavur District.
(Crime No.423 of 2024)

... Respondent

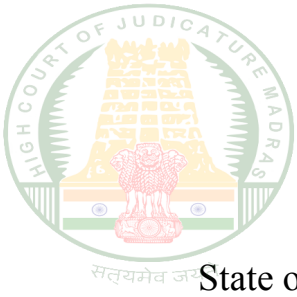
Prayer : This Criminal Revision Case filed under Sections 438 r/w 442 B.N.S.S., to call for the records made in Cr.M.P.No.20 of 2025 on the file of the learned Additional District Judge / Presiding Officer, Special Court under Essential Commodities Act, Thanjavur, filed by the petitioner under Section 497 r/w 503(2) BNSS for return of vehicle and set aside the dismissal order dated 27.02.2025.

For Petitioner : Mr.P.Surliraja
For Respondent : Mr.T.Senthil Kumar
Additional Public Prosecutor

Crl.R.C.(MD)No.504 of 2025

Vadivel ... Petitioner

Vs.



Crl.R.C.(MD)No.212 of 2023 etc. batch

State of Tamilnadu represented by its
The Inspector of Police,
Chinnalapatti Police Station,
Dindigul District.
(Crime No.20 of 2025)

... Respondent

Prayer : This Criminal Revision Case filed under Sections 438 r/w 442 B.N.S.S., to call for the records relating to the order passed by the learned Principal Special Court for Narcotic Drugs and Psychotropic Substances Act cases, Madurai in Crl.M.P.No.527 of 2025 dated 18.03.2025 set aside the same and allow the revision petition.

For Petitioner : Mr.M.Chandrabose

For Respondent : Mr.T.Senthil Kumar
Additional Public Prosecutor

Crl.R.C.(MD)No.512 of 2025

Murugeswathi

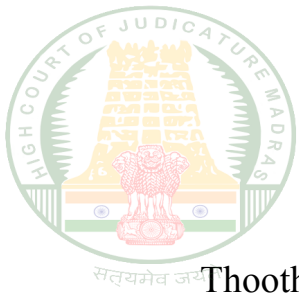
... Petitioner

Vs.

State of Tamilnadu represented by
The Inspector of Police,
Sawyerpuram Police Station,
Thoothukudi.
(Crime No.111 of 2021)

... Respondent

Prayer : This Criminal Revision Case filed under Sections 438 r/w 442 B.N.S.S., to call for the records pertaining to the order passed in Cr.M.P.No.699 of 2025 on the file of learned Judicial Magistrate No.I,



Crl.R.C.(MD)No.212 of 2023 etc. batch

Thoothukudi dated 12.03.2025 and set aside the same and handed over the Honda Splendor Plus bike bearing Registration No.TN-92-A-2328 to the petitioner within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.V.Sathiya

For Respondent : Mr.T.Senthil Kumar
Additional Public Prosecutor

Crl.R.C.(MD)No.518 of 2025

Valarmathy

... Petitioner

Vs.

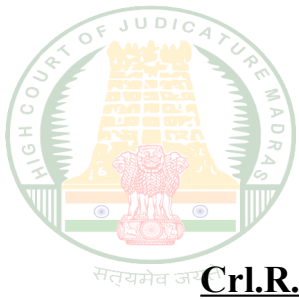
State of Tamilnadu represented by (SHO)
The Inspector of Police,
PEW Police Station,
Madurai City.
(Crime No.879 of 2024)

... Respondent

Prayer : This Criminal Revision Case filed under Sections 438 r/w 442 B.N.S.S., to call for the records relating to the order passed in Crl.M.P.No. 357 of 2025 on the file of the learned Principal Special Court for Narcotic Drugs and Psychotropic Substances Act cases, Madurai dated 04.03.2025 and set aside the same and consequently direct the trial Court to hand over the seized vehicle to the interim custody to the petitioner.

For Petitioner : Mr.P.Manoharan

For Respondent : Mr.T.Senthil Kumar
Additional Public Prosecutor



Crl.R.C.(MD)No.212 of 2023 etc. batch

Crl.R.C.(MD)No.536 of 2025

WEB COPY

Mahesh Kumar

... Petitioner

Vs.

State of Tamilnadu represented by
The Inspector of Police,
Thuvarankurichi Police Station,
Trichy District.

... Respondent

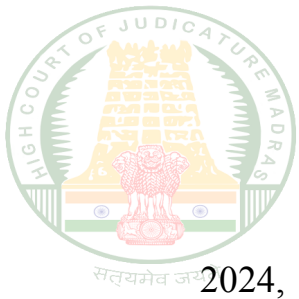
Prayer : This Criminal Revision Case filed under Sections 438 r/w 442 B.N.S.S., to call for the records relating to the order dated 10.09.2024 in Crl.M.P.No.4011 of 2023 on the file of the learned Additional District and Sessions Judge, Special Court for NDPS and EC Act Cases, Pudukottai and set aside the order in so far Para 8 clause (ii) imposing condition of restrain or alienation is concerned.

For Petitioner : Mr.V.R.Shanmuganathan

For Respondent : Mr.T.Senthil Kumar
Additional Public Prosecutor

COMMON ORDER

These Criminal Revisions in Crl.R.C.(MD)Nos.212 of 2023, 1004, 1117, 1130, 1195, 1234, 1291, 1301, 1365 of 2024 and 150, 171, 176, 196, 201, 219, 285, 312, 334, 340, 351, 394, 439, 467, 504 and 518 of 2025 are directed against the orders passed in Crl.M.P.Nos.3201 of 2022, 2444 of



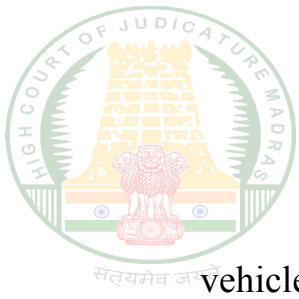
Crl.R.C.(MD)No.212 of 2023 etc. batch

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2024, 1774 of 2024, 1754 of 2024, 1656 of 2024, 1559 of 2024, 2295 of 2024, 5565 of 2024, 5361 of 2024, 1852 of 2024, 3864 of 2024, 3134 of 2024, 8439 of 2024, 2006 of 2024, 3370 of 2024, 3325 of 2024, 713 of 2025, 5863 of 2024, 359 of 2025, 358 of 2025, 186 of 2025, 462 of 2025, 20 of 2025, 527 of 2025 and 357 of 2025 dated 04.01.2023, 06.09.2024, 16.10.2024, 16.10.2024, 28.06.2024, 27.04.2024, 26.03.2024, 19.11.2024, 08.11.2024, 08.10.2024, 02.01.2025, 23.10.2024, 17.12.2024, 28.11.2024, 22.01.2025, 11.11.2024, 07.02.2025, 10.01.2025, 04.03.2025, 04.03.2025, 31.01.2025, 07.03.2025, 27.02.2025, 18.03.2025 and 04.03.2025 respectively, dismissing the petitions filed under Section 497 B.N.S.S. (451 r/w 457 Cr.P.C.)

2. The Criminal Revisions in Crl.R.C.(MD)Nos.512 of 2025 and 536 of 2025 are directed against the conditions and condition No.(ii) respectively passed in Crl.M.P.Nos.6699 of 2025 and 4011 of 2024 dated 12.03.2025 and 10.09.2024.

3. The orders now under challenge came to be passed in the petitions filed under Section 497 B.N.S.S. seeking interim custody of the



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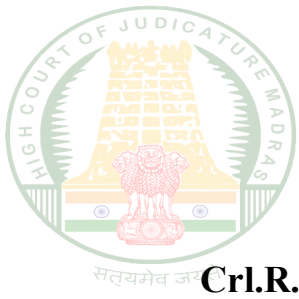
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vehicles and cell phones involved in the cases registered under the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter called as 'NDPS Act')

4. The petitioners in Crl.R.C.(MD)Nos.1234 of 2024, 1365 of 2024, 219 of 2025, and 394 of 2025 are the accused in their respective cases. In contrast, the petitioners in other cases have varying relationships:

- Relative of the first accused (Crl.R.C.(MD)No.212 of 2023)
- Mother of the first accused (Crl.R.C.(MD)Nos.1195 of 2024, 196 of 2025, 201 of 2025, and 518 of 2025)
- Family friend of the accused (Crl.R.C.(MD)No.150 of 2025)
- Friend of the accused/third accused (Crl.R.C.(MD)Nos.285 of 2025, 351 of 2025, 504 of 2025, and 512 of 2025)
- Brother of the seventh accused (Crl.R.C.(MD)No.312 of 2025)
- Purchaser from the accused (Crl.R.C.(MD)No.334 of 2025)
- Father of the accused's friend (Crl.R.C.(MD)No.340 of 2025)

Additionally, the petitioners in Crl.R.C.(MD)Nos.1004 of 2024, 1117 of 2024, 1130 of 2024, 1291 of 2024, 1301 of 2024, 171 of 2025, 176 of 2025, 439 of 2025, 467 of 2025, and 536 of 2025 are third-party owners of vehicles.



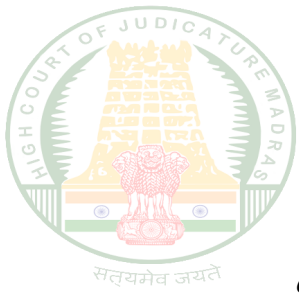
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Crl.R.C.(MD)Nos.212 of 2023, 1004, 1117, 1234, 1301 and 1365 of 2024 and 150, 171, 176, 196, 219, 285, 312, 334, 340, 351, 394, 439, 467, 504 and 518 of 2025

5. In a similar batch of revision cases, challenging the orders passed under Sections 451 r/w 457 Cr.P.C., this Court dealt with the issues raised in the present revisions and passed a common order in ***Crl.R.C.(MD)No. 646 of 2024 batch dated 20.12.2024 (Loyola Johnson Vs. The State represented by the Inspector of Police, Pamban Police Station, Ramanathapuram District)*** and the relevant passages are extracted hereunder:-

“4. Sections 451 and 457 Cr.P.C. relate to custody and disposal of the property during a criminal investigation or trial. Section 451 Cr.P.C. deals with the custody and disposal of the property that is pending in enquiry or trial and whereas, Section 457 Cr.P.C. deals with the disposal of the property after the trial or enquiry.

5. The Hon'ble Supreme Court in Sunderbhai Ambalal Desai Vs. State of Gujarat reported in (2002) 10 SCC 283 has held that a speedier procedure needs to be evolved for the disposal of articles kept at police stations and Section 451 Cr.P.C. should be exercised and implemented expeditiously as it is of no use to keep the property including the vehicles at the police stations for a long period and laid



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down the procedure to be followed by the police officials for custody of different kinds of property, such as valuable articles, money, vehicles, etc.

6. It is pertinent to note that Section 51 of NDPS Act contemplates that the provisions of the Code of Criminal Procedure shall apply, in so far as they are not inconsistent with the provisions of NDPS Act, to all warrants issued and arrests, searches and seizures made under NDPS Act.

7. Section 5 Cr.P.C. states that nothing in the Code will affect any special law or local law that is in force, any special jurisdiction or power or any special form of procedure prescribed by another law that is in force.

8. Section 52A of NDPS Act deals about the disposal of seized Narcotic Drugs and Psychotropic Substances.

9. It is pertinent to note that vide Amendment Act 16 of 2014, the words, “narcotic drugs, psychotropic substances and controlled substances or conveyances” came to be added. At this juncture, it is necessary to refer Section 60(3) of NDPS Act,

“60(3) :- Any animal or conveyance used in carrying any narcotic drug or psychotropic substance or controlled substance, or any article liable to confiscation under sub-section (1) or sub-section (2) shall be liable to confiscation, unless the owner of the animal or conveyance proves that it was so used without the knowledge or connivance of the owner himself, his agent, if any, and the



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person-in-charge of the animal or conveyance and that each of them had taken all reasonable precautions against such use.”

10. Section 63 of NDPS Act deals with the procedure in making confiscations which states that in the trial of offences under NDPS Act, whether the accused is convicted or acquitted or discharged, the Court shall decide whether any article or thing seized under this Act is liable to be confiscated under Section 60 or Section 61 or Section 62 and if it decides that the article is so liable, it may order confiscation accordingly. Section 63(2) states that if the person, who committed the offence in connection therewith, is not known or cannot be found, the Court may inquire into and decide such liability and may order confiscation accordingly.

11. In Tarsem Singh Vs. State of Punjab reported in 2005 SCC Online P&H 807, a Division Bench of the Punjab and Haryana High Court has held that irrespective of the decision of the trial, any article or thing seized under NDPS Act, which are used in the commission of offence have got to be confiscated and the relevant passage is extracted hereunder:-

“15. We are surprised that the said has been passed by the Sub-Divisional Judicial Magistrate, who would have no jurisdiction to dispose of such an application in view of Section 63 of the Act, which makes it



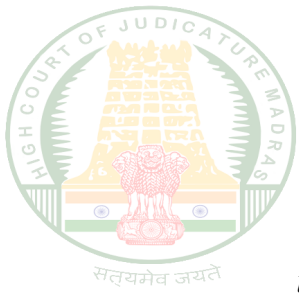
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clear that irrespective of the decision of the trial, any article or thing seized under this Act, which are used in the commission of offence have got to be confiscated and the Special Judge is obliged to start separate proceedings in relation to confiscation after expiry of one month, if no one comes forth to claim the property. In view of the provision of Section 63 of the Act, the provisions of Code of Criminal Procedure as contained in Sections 451 and 452 will stand modified to the extent indicated in the aforementioned section and any claimant to the property will be obliged to satisfy the Court in terms of the exceptions carved out in Sections 60, 61 and 62 of the Act before he is returned the custody of the vehicle taken into custody when it was being used for transporting a narcotic substance. In the present case as already pointed out by us, the proceedings under Section 63 of the Act were not initiated until the disposal of the trial, which is not warranted by law. The proceedings for confiscation have got to be completed during the pendency of the trial and are in no way connected therewith as delay therein would only lessen the value of the property so confiscated and thereby cause loss to the State or the owner.”

12. The Hon'ble Supreme Court in the case of State of Madhya Pradesh and others Vs. Kallo Bai reported in (2017) 14 SCC 502 has specifically observed that criminal prosecution is distinct from confiscation proceedings, that



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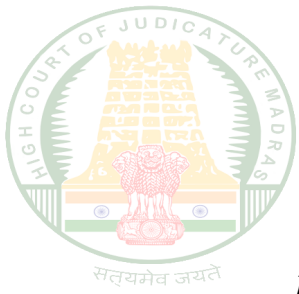


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the two proceedings are different and parallel, each having a distinct purpose and that the object of confiscation proceeding is to enable speedy and effective adjudication with regard to confiscation of the produce and the means used for committing the offence while the object of the prosecution is to punish the offender.

13. In Mustafa Vs. State of Uttar Pradesh and others reported in AIR 2019 SC 3949, the Hon'ble Apex Court in strong words has clarified that Sections 451, 452 and 457 Cr.P.C. must yield to the provisions of the Act and there is no escape from the conclusion that the Magistrate or for that matter the High Court, while dealing with the case of seizure of vehicle under the Act, has any power to pass an order dealing with the interim custody of the vehicle on security or its release thereof.

14. The learned Additional Public Prosecutor would submit that in Sunderbhai Ambalal Desai's case above referred, the Hon'ble Supreme Court has held that the vehicles need not be kept idle in police station and the same can be released by invoking provision under Section 451 Cr.P.C. but under NDPS Act no occasion may arise for releasing the vehicle under Section 451 Cr.P.C. for the simple reason that Section 63 of NDPS Act deals about the confiscation proceedings and by virtue of amendment in the year 2014 in NDPS Act by including the conveyance in Section 52A of NDPS Act as well as by introduction of



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forfeiture of illegally acquired property under Chapter VA.

15. At this juncture, it is necessary to refer the judgment of the Hon'ble Supreme Court in Union of India Vs. Mohanlal and another reported in (2016) 3 SCC 379 relied on by the learned Additional Public Prosecutor,

“20. To sum up we direct as under:

(1) No sooner the seizure of any Narcotic Drugs and Psychotropic and controlled Substances and Conveyances is effected, the same shall be forwarded to the officer in-charge of the nearest police station or to the officer empowered under Section 53 of the Act. The officer concerned shall then approach the Magistrate with an application under Section 52A(ii) of the Act, which shall be allowed by the Magistrate as soon as may be required under Sub-Section 3 of Section 52A, as discussed by us in the body of this judgment under the heading 'seizure and sampling'. The sampling shall be done under the supervision of the magistrate as discussed in paras 13 and 14 of this order.

(2) The Central Government and its agencies and so also the State Governments shall within six months from today take appropriate steps to set up storage facilities for the exclusive storage of seized Narcotic Drugs and Psychotropic and controlled Substances and Conveyances duly equipped with vaults and double locking system to prevent theft, pilferage or replacement of the seized drugs.



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The Central Government and the State Governments shall also designate an officer each for their respective storage facility and provide for other steps, measures as stipulated in Standing Order No. 1/89 to ensure proper security against theft, pilferage or replacement of the seized drugs.

(3) The Central Government and the State Governments shall be free to set up a storage facility for each district in the States and depending upon the extent of seizure and store required, one storage facility for more than one districts.

(4) Disposal of the seized drugs currently lying in the police maalkhans and other places used for storage shall be carried out by the DDCs concerned in terms of the directions issued by us in the body of this judgment under the heading 'disposal of drugs'.

21. Keeping in view the importance of the subject we request the Chief Justices of the High Courts concerned to appoint a Committee of Judges on the administrative side to supervise and monitor progress made by the respective States in regard to the compliance with the above directions and wherever necessary, to issue appropriate directions for a speedy action on the administrative and even on the judicial side in public interest wherever considered necessary."



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16. *Though the Hon'ble Supreme Court has issued various directions, the same were not followed in true spirit till now.*

17. *As already pointed out, Section 63 of NDPS Act gives power to the Court to decide whether any article or thing seized under NDPS Act is liable to be confiscated in terms of Sections 60, 61 and 62 of NDPS Act. Section 57A of NDPS Act contemplates that the officer notified under Section 53 shall make a report of the illegally acquired properties to the jurisdictional competent authority within 90 days of the arrest or seizure.*

18. *As already pointed out, Section 63(1) of NDPS Act states that the Court if decides that the article is so liable, it may order confiscation accordingly and as per Section 63(2) of NDPS Act, if the person, who committed the offence, is not known or cannot be found, the Court may inquire into and decide such liability and may order confiscation accordingly. But proviso contemplates that no order of confiscation of an article or thing shall be made until the expiry of one month from the date of seizure or without hearing any person who may claim any right thereto and the evidence, if he produces in respect of his claim.*

19. *Considering the above provisions, it is very much clear that after seizure of the articles or things, the competent authority has to proceed to decide and subject to the decision to proceed with the confiscation proceedings.*



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20. It is pertinent to note that Rule 257 of Tamil Nadu Criminal Rules of Practice, 2019 states that the Court may entertain Section 451 Cr.P.C. subject to the procedure laid down in special statute.

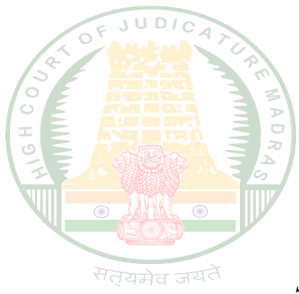
21. A learned Judge of this Court in *Nahoorkani Vs. State* represented by the Inspector of Police, Puliyangudi Police Station in Crl.R.C.(MD)No.41 of 2019 dated 16.06.2023 has held that in view of the provision under Section 63 of NDPS Act, the provisions of the Code of Criminal Procedure as contained in Sections 451 and 452 Cr.P.C. will stand modified to the extent and any claimant to the property will be obliged to satisfy the Court in terms of the exceptions carved out in Sections 60, 61 and 62 of NDPS Act before he is returned the custody of the vehicle taken into consideration when it was being used for transporting a narcotic substance, that therefore, when the conveyance was seized under NDPS Act, the return of property does not arise as contemplated under Sections 451 and 452 Cr.P.C. and it is liable to be confiscated under Section 63 of NDPS Act and that the Magistrate may not have jurisdiction to entertain a petition filed under Section 451 Cr.P.C in the light of the Special Rule made under Section 52A of NDPS Act. It is pertinent to note that the learned Judge has also issued several directions to the Special Courts and the investigating officers with regard to the disposal of the conveyances seized under NDPS Act.



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22. The Central Government, in pursuance of the directions issued by the Hon'ble Supreme Court in Mohanlal's case above referred, has introduced Narcotic Drugs and Psychotropic Substances (Seizure, Storage, Sampling and Disposal) Rules, 2022, in which, Chapter IV deals about the disposal of the properties including conveyance. Rule 3(5) provides for preparing a detailed inventory of the conveyances and attaching it to the panchnama. Rule 16 provides that the conveyance, including the vehicles can be disposed of immediately after the seizure. Originally under section 52A also it is provided that it can be disposed of immediately after seizure. But under the Rule 17, disposal of the narcotic drugs, psychotropic substances, controlled substances or conveyances can be made after the receipt of the chemical analysis report. Rule 23(5)(e) provides that the seized conveyances shall be sold by way of tender or auction as may be determined by the Drug Disposal Committee, after the Drug Disposal Committee verifies the engine number, chassis number and other details mentioned in panchnama and certify the inventory thereof, in terms of Rule 21(3). Since the Chemical Analysis report is to reach the court within 15 days from the date of receipt of the samples as mandated under Rule 14, the whole process leading to the stage of disposal of the vehicle would culminate in a month's time. Section 63(2) Proviso also provides that no order of confiscation of an article or thing



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shall be made until the expiry of one month from the date of seizure, or without hearing any person who may claim any right thereto and the evidence, if any, which he produces in respect of his claim. In the light of the above rules and time frame fixed, it cannot be said that the vehicle would be kept idle for long period exposed to sun and rain, warranting for granting of interim custody of the vehicle.

23. As rightly contended by the learned Additional Public Prosecutor, combined reading of the provisions of 2022 Rules would make it clear that the vehicles cannot be detained indefinitely by the prosecution agency or by the concerned Court. In the light of the above rules and time frame fixed, it cannot be stated that if the vehicle is kept idle in open place for long period exposing to sun and rain, the value of the vehicle would be deteriorated warranting for granting of interim custody of the vehicle. Since the amendment provisions of NDPS Act and newly introduced 2022 Rules mandate the disposal of the property including conveyances seized under NDPS Act within a short span of time irrespective of trial, the question of granting interim custody under Section 451 Cr.P.C. till the disposal of the main case does not arise at all.

6. The learned counsels appearing for the petitioners would rely on a decision of the Hon'ble Supreme Court in ***Bishwajit Dev Vs. The State***



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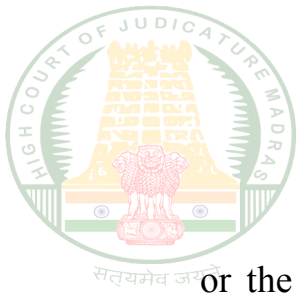
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of Assam in Crl.A.No.87 of 2025 dated 07.01.2025, wherein, the Hon'ble Apex Court has held that in the absence of any specific bar under the NDPS Act and in view of Section 51 of NDPS Act, the Court can invoke the general power under Sections 451 and 457 of the Cr.P.C. for return of the seized vehicles pending final decision of the criminal case.

7. The learned counsels appearing for the petitioners would also rely on some decisions of this Court, wherein, interim custody of the vehicles seized under the NDPS Act came to be granted under Section 451 Cr.P.C.

8. In *Bishwajit Dev's* case referred above, the Hon'ble Supreme Court considered a case, wherein, owner of the vehicle was not arrayed as an accused and the driver of the vehicle had been examined as witness. Even according to the prosecution, the alleged possession and transportation of contraband was made only against a third person / accused, who had taken a lift in the vehicle from Manipur.

9. The learned Additional Public Prosecutor would submit that the issue of pre-trial disposal of the vehicle under Section 52A of NDPS Act



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or the applicability of NDPS (Seizure, Storage, Sampling and Disposal) Rules, 2022 or the decision in *Union of India Vs. Mohanlal and another* reported in (2016) 3 SCC 379 was not considered. He would further submit that as per the direction of the Hon'ble Supreme Court in *Mohanlal's* case above referred, the Central Government has framed the Rules 2022, which provides specific mechanism for disposal of seized properties including the conveyances.

10. It is pertinent to note that recognizing the challenges posed by the storage and accumulation of large quantities of seized drugs, 1989 Amendment Act introduced Section 52A which empowered an authorized officer to order the pre-trial disposal of contraband, provided that specific safeguards were in place. Section 52A was further amended in the year 2014 to expand its scope to include conveyance i.e., vehicles used for transporting drugs. As already pointed out, the Rules 2022 came to be introduced in pursuance of the direction of the Hon'ble Supreme Court in *Mohanlal's* case for ensuring uniformity and procedural safeguards in the disposal process.



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11. Now turning to Section 497 B.N.S.S. which replaces Section 451 Cr.P.C. introduced time bound mechanism for disposal of seized property including vehicles applicable to the general offences. Though Section 497 B.N.S.S. provides a general framework, Section 52A of NDPS Act r/w 2022 Rules can only be considered as a special law that prevails over the general law by virtue of Section 5 Cr.P.C. and Section 51 of NDPS Act.

12. As rightly contended by the learned Additional Public Prosecutor, the Drug Disposal Committee is the competent authority for deciding the disposal of the property, and pre-trial disposal is not only permitted but also prioritized. Granting interim custody of the vehicles under Section 451 read with Section 457 of the Cr.P.C. or under Section 497 of the B.N.S.S. would undermine the legislative intent behind the NDPS Act and the 2022 Rules. Therefore, this Court has no hesitation in holding that granting interim custody under Section 497 of the B.N.S.S. is not warranted.

13. The learned counsel appearing for the petitioners would submit that even assuming that the Drug Disposal Committee is the competent



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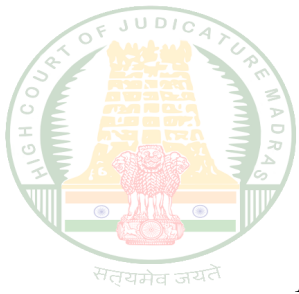
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authority for deciding their applications for return of the vehicles, the Drug Disposal Committee is not conferred with any powers for granting interim custody and that therefore, in the absence of any bar under the NDPS Act, the Courts are having every power and jurisdiction to grant interim custody.

14. When the very same plea was raised in ***Crl.R.C.(MD)No.646 of 2024 batch***, this Court has held that the Drug Disposal Committee is having necessary powers to consider the interim custody of the property including the vehicles and the relevant passages are extracted hereunder:-

“25. As already pointed out, in Tarsem Singh's case above referred, the Punjab and Haryana High Court has specifically observed that in view of the provision of Section 63 of NDPS Act, the provisions of Code of Criminal Procedure as contained in Sections 451 and 452 Cr.P.C. will stand modified to the extent and any claimant to the property has to satisfy in terms of the exceptions carved out in Sections 60, 61 and 62 of NDPS Act.

26. A Division Bench of Kerala High Court in Shajahan Vs. Inspector of Excise and others reported in 2019 SCC OnLine Ker 3685, when a reference was made by relying on the decision of the Hon'ble Supreme Court in



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Mohanlal's case above referred, has held that the power of the Magistrate to consider a claim under Section 451 Cr.P.C. stands denuded and thereby answered reference. When another Division Bench of Kerala High Court, considering the decision in Shajahan's case, has expressed his opinion that the issue needs a re-look, the matter was referred to Full Bench of Kerala High Court. In Pradeep, B. Vs. The District Drug Disposal Committee, Kasargod and others in W.A.No. 1304 of 2022 dated 19.02.2024, the Full Bench, by observing that there is no provision in the Act enabling the Drug Disposal Committee to order interim release of the vehicle/conveyance, has held that the jurisdictional Special Court under NDPS Act has the power to consider the grant of interim custody of vehicles seized under NDPS Act, by invoking the powers under Section 457 Cr.P.C. It is pertinent to note that the Full Bench has mainly observed that there is no provision in the Act or in the Rules giving power or jurisdiction to the Drug Disposal Committee to decide about the granting of interim custody of vehicles seized under NDPS Act.

27. With great respect to the Full Bench of Kerala High Court, when Drug Disposal Committee is conferred with powers to decide about the final disposal of the property including the vehicles itself, the contention that the Drug Disposal Committee has no power to grant interim custody, has no legs to stand.



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28. *At this juncture, it is necessary to refer the decision of the Hon'ble Supreme Court in Savitri Vs. Govind Singh Rawat reported in 1985 4 SCC 337, wherein, though there is no express provision in the Code which authorises a Magistrate to make an interim order directing payment of maintenance pending disposal of an application for maintenance, has held that in the absence of any express prohibition, it is appropriate to construe the provisions in Chapter IX as conferring an implied power on the Magistrate to direct the person against whom an application is made under Section 125 of the Code to pay interim maintenance and the relevant portion is extracted hereunder:-*

"23. ...

"It is true that there is no express provision in the Code which authorises a magistrate to make an interim order directing payment of maintenance pending disposal of an application for maintenance. The Code does not also expressly prohibit the making of such an order. The question is whether such a power can be implied to be vested in a magistrate having regard to the nature of the proceedings under Section 125 and other cognate provisions found in Chapter IX of the Code which is entitled "Order For Maintenance of Wives, Children and Parents"...."

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"In view of the foregoing it is the duty of the court to interpret the provisions in Chapter IX of the Code in such a way that the construction placed on them would not defeat the very object of the legislation. In the absence of any express prohibition, it is appropriate to construe the provisions in Chapter IX as conferring an implied power on the magistrate to direct the person against whom an application is made under Section 125 of the Code to pay some reasonable sum by way of maintenance to the applicant pending final disposal of the application. It is quite common that applications made under Section 125 of the Code also take several months for being disposed of finally. In order to enjoy the fruits of the proceedings under Section 125, the applicant should be alive till the date of the final order and that the applicant can do in a large number of cases only if an order for payment of interim maintenance is passed by the court. Every court must be deemed to possess by necessary intendment all such powers as are necessary to make its orders effective. This principle is embodied in the maxim ubi aliquid conceditur, conceditur et id sine quo res ipsa esse non potest (Where anything is conceded, there is conceded also anything without which the thing itself cannot exist.) (Vide Earl Jowitt's Dictionary of English Law 1959 Edn. P. 1797). Whenever anything is required to be done by law and it is found impossible to do that thing unless



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something not authorised in express terms be also done then that something else will be supplied by necessary intendment. Such a construction though it may not always be admissible in the present case however would advance the object of the legislation under consideration. A contrary view is likely to result in grave hardship to the applicant, who may have no means to subsist until the final order is passed. There is no room for the apprehension that the recognition of such implied power would lead to the passing of interim orders in a large number of cases where the liability to pay maintenance may not exist. It is quite possible that such contingency may arise in a few cases but the prejudice caused thereby to the person against whom it is made is minimal as it can be set right quickly after hearing both the parties....”

29. Subsequently, in Shail Kumari Devi and another Vs. Krishan Bhagwan Pathak @ Kishun B. Pathak reported in AIR 2008 SC 3006, the Hon'ble Supreme Court, by referring to the Savitri's case above referred, has observed as follows:-

“21. So far as `interim' maintenance is concerned, it is true that Section 125 of the Code as it originally enacted did not expressly empower the Magistrate to make such order and direct payment of interim maintenance. But the Code equally did not prohibit the Magistrate from making such order. Now, having regard to the nature of



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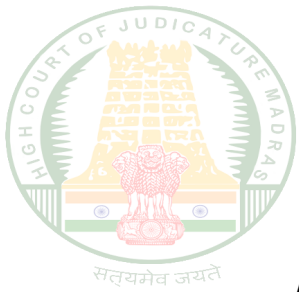


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proceedings, the primary object to secure relief to deserted and destitute wives, discarded and neglected children and disabled and helpless parents and to ensure that no wife, child or parent is left beggared and destitute on the scrap-heap of society so as to be tempted to commit crime or to tempt others to commit crime in regard to them, it was held that the Magistrate had 'implied power' to make such order. The jurisdiction of the Magistrate under Chapter IX (Order for Maintenance of Wives, Children and Parents) is not strictly criminal in nature. Moreover, the remedy provided by Section 125 of the Code is a summary remedy for securing reasonable sum by way of maintenance subject to a decree passed by a competent civil Court. Hence, in absence of any express bar or prohibition, Section 125 could be interpreted as conferring power by necessary implication to make interim order of maintenance subject to final outcome in the application."

30. The Hon'ble Supreme Court in Sukhwant Singh and others Vs. State of Punjab reported in 2009 (7) SCC 559 has held that in the power to grant bail there is inherent power in the court concerned to grant interim bail to a person pending final disposal of the bail application and of course, it is in the discretion of the court concerned to grant interim bail or not but the power is certainly there.

31. Considering the above decisions, the legal position is very much clear that when a Court or an Authority is



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having power or jurisdiction to decide petition or case finally, then that Court or Authority must be deemed to have a power or jurisdiction to grant interim orders.

32. Now coming to the case on hand, it is not in dispute that after the amendments and introduction of 2022 Rules, Drug Disposal Committee alone is having power and jurisdiction to decide about the disposal of the property and if that be so, Drug Disposal committee must be deemed to have necessary power and jurisdiction to consider the prayer for interim custody of the property including the vehicles. In case, if there is any delay in passing final orders with regard to disposal of the property, in view of the legal position above referred and taking note of the amendments to the provisions of NDPS Act, the power of the jurisdictional Magistrate or the Special Court under NDPS Act to grant interim custody of the conveyances under NDPS Act is impliedly barred...”

15. After reserving for orders, I have come to know that the Government of Tamil Nadu has issued a standard operating procedure for disposal of seized conveyances under the NDPS Act along with necessary forms in tune with Rules 2022.

16. In view of the above, and taking note of the legal position



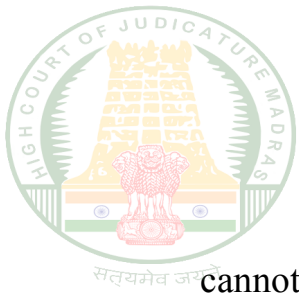
Crl.R.C.(MD)No.212 of 2023 etc. batch

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referred above, this Court has no hesitation in holding that the impugned orders rejecting the claims for interim custody are legal and the same cannot be found fault with.

Crl.R.C.(MD)No.1130 of 2024

17. The prosecution has moved a petition seeking orders for handing over the vehicle seized in Crime No.330 of 2024 before the Drug Disposal Committee and the learned Magistrate, relying on the decision of this Court in *Nahoorkani Vs. State represented by the Inspector of Police, Puliyangudi Police Station in Crl.R.C.(MD)No.41 of 2019 dated 16.06.2023*, allowed the petition and thereby permitting the prosecution to produce the vehicle before the Drug Disposal Committee. No doubt, as rightly pointed out by the learned counsel appearing for the petitioner, the learned Magistrate has observed that since confiscation power is vested with the Drug Disposal Committee, the same has to be handed over before the said committee. As already decided, the Drug Disposal Committee is having power and jurisdiction to pass orders with regard to the disposal of the property including the conveyance and as such, the impugned order permitting to hand over the vehicle before the Drug Disposal Committee



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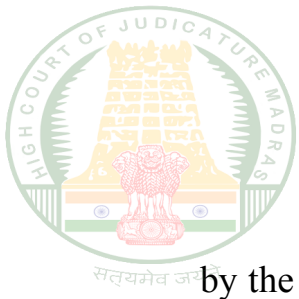
cannot be found fault with, but at the same time, the petitioner is at liberty to move before the Drug Disposal Committee.

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Crl.R.C.(MD)No.512 of 2025

18. The petitioner moved a petition for returning of the vehicle seized in Crime No.111 of 2021, which came to be received in P.R.No.482 of 2022. It is evident from the records that the main case itself was taken on file in S.T.C.No.197 of 2023 and the same was disposed of on admission vide judgment dated 08.02.2023. It is pertinent to mention that the learned Magistrate in the judgment passed a property order to destroy the item Nos.2 and 3 but return the item No.1 of the property. It is evident that the petitioner has then moved a petition for returning of the vehicle but the learned Magistrate has proceeded to grant interim custody by imposing conditions, which is now under challenge.

19. The learned counsel appearing for the petitioner would submit that since the case itself was disposed of, the learned Magistrate, without ordering for returning of the vehicle, has only granted interim custody and that too by imposing onerous conditions. No doubt, as rightly pointed out



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by the learned counsel appearing for the petitioner, the learned Magistrate has directed the petitioner to execute a bond for for Rs.80,000/- with two sureties for a like sum and also to file an affidavit that she will produce the vehicle as and when required by the Court. As already pointed out by this Court, whether the interim or final, the Drug Disposal Committee alone is empowered to pass orders with regard to the case properties. Hence, the petitioner is at liberty to move the Drug Disposal Committee seeking final orders regarding the vehicle.

Crl.R.C.(MD)No.536 of 2025

20. The learned Sessions Judge in Crl.M.P.No.4011 of 2024 has granted interim custody of the vehicle remanded in R.P.No.224 of 2024 by imposing conditions, which includes that the petitioner shall not alienate, sell, lease or encumber the vehicle in whatsoever manner until further order, which is now under challenge. Since the Drug Disposal Committee is the competent authority to decide the final disposal of the properties, the petitioner is at liberty to move a representation before the said Committee seeking final orders regarding the vehicle. But, as rightly contended by the learned Additional Public Prosecutor, the petitioner cannot be permitted to



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sell or alienate or encumber the vehicle till the decision taken by the Drug Disposal Committee.

Crl.R.C.(MD)Nos.1195 of 2024, 1291 of 2024 and 201 of 2025

21. Apart from vehicles, cell phones have also been seized and the application for returning the same came to be dismissed. In Crl.R.C. (MD)No.201 of 2025, the learned Magistrate has granted interim custody of the vehicle, but dismissed the petition with regard to the cell phone. The learned Additional Public Prosecutor would submit that they are not having objections for returning the cell phones. Considering the above, this Court is inclined to return the cell phone to the petitioners by imposing certain conditions.

22. In the result,

(1) The Criminal Revisions in Crl.R.C.(MD)Nos.1195 of 2024, 1291 of 2024 and 201 of 2025 stand **allowed** with regard to the cell phone and I Phone 13 (Apple 128 GB – BLUE IMEI No.355178631539140) in Crl.R.C.(MD)No.1195 of 2024, Apple iPhone 14 in Crl.R.C.(MD)No.1291 of 2024 and VIVO V-30 mobile in Crl.R.C.(MD)No.201 of 2025, are



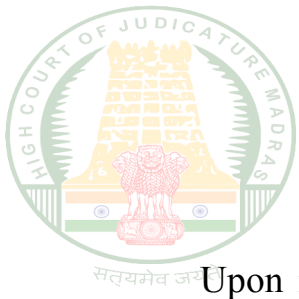
Crl.R.C.(MD)No.212 of 2023 etc. batch

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ordered to be returned to the respective petitioner for interim custody on the following conditions:-

- 1. the petitioner in Crl.R.C.(MD)No.1195 of 2025 shall execute a bond for a sum of **Rs.50,000/- (Rupees Fifty Thousand only)** with one surety for a likesum to the satisfaction of the Additional District Judge, Principal Special Court for Narcotic Drugs and Psychotropic Substances Act cases, Madurai; the petitioner in Crl.R.C.(MD)No.1291 of 2024 shall execute a bond for a sum of **Rs.50,000/- (Rupees Fifty Thousand only)** with one surety for a likesum to the satisfaction of the Judicial Magistrate No.6, Madurai; and the petitioner in Crl.R.C.(MD)No.201 of 2025 shall execute a bond for a sum of **Rs.40,000/- (Rupees Forty Thousand only)** with one surety for a likesum to the satisfaction of the Judicial Magistrate, Eraniel, Kanyakumari District;*
- 2. the petitioners shall not alienate the case property till the adjudication/trial is completed; and*
- 3. the petitioners shall produce the case property before the Court below as and when required.*

(2) The Criminal Revision in Crl.R.C.(MD)No.512 of 2025 is dismissed. The petitioner is at liberty to submit a representation to the Drug Disposal Committee seeking final orders regarding the vehicle.



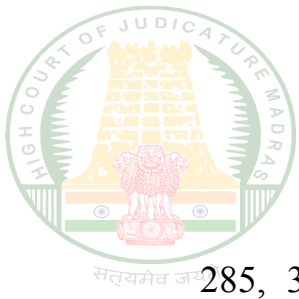
Crl.R.C.(MD)No.212 of 2023 etc. batch

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Upon receiving such representation, the Drug Disposal Committee shall consider it on merits and in accordance with law within six weeks. In the meantime, if required, the petitioner shall execute a bond for Rs. 65,000/- (Rupees Sixty-Five Thousand only) with two sureties for a like sum and file an affidavit before the concerned Court, undertaking not to sell, alienate, or encumber the vehicle until the representation is decided by the Drug Disposal Committee.

(3) The Criminal Revision in Crl.R.C.(MD)No.536 of 2025 is dismissed. The petitioner is at liberty to submit a representation to the Drug Disposal Committee seeking final orders regarding the vehicle. Upon receiving such representation, the Drug Disposal Committee shall consider it on merits and in accordance with law within six weeks. The petitioner may, if required, comply with conditions (i) and (iii) imposed by the learned Sessions Judge and file an affidavit undertaking not to sell, alienate, or encumber the vehicle until the representation is decided by the Drug Disposal Committee.

(4) The Criminal Revisions in Crl.R.C.(MD)Nos.212 of 2023, 1004, 1117, 1130, 1234, 1301, 1365 of 2024, and 150, 171, 176, 196, 219,



Crl.R.C.(MD)No.212 of 2023 etc. batch

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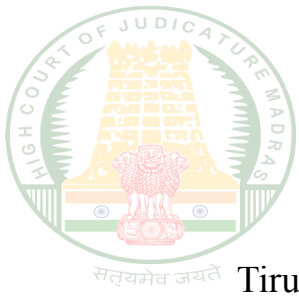
285, 312, 334, 340, 351, 394, 439, 467, 504, and 518 of 2025 are dismissed. The petitioners are at liberty to submit representations to the Drug Disposal Committee, which shall consider them on merits and in accordance with law within six weeks from the date of receipt of representation. The connected Miscellaneous Petition is hereby closed.

04.08.2025

NCC :yes/No
Index :yes/No
Internet:yes/No
csm

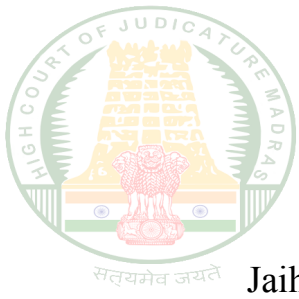
To

- 1.The Additional District Judge,
Principal Special Court for EC and NDPS Act Cases, Madurai.
- 2.The Judicial Magistrate,
Ambasamudram.
- 3.The Additional District and Sessions Judge,
Special Court for E.C & NDPS Act Cases, Pudukkottai.
- 4.The Judicial Magistrate No.6, Madurai.
- 5.The Additional District Judge / Special Officer,
Special Court under Essential Commodities Act, Thanjavur.
- 6.The Judicial Magistrate,
Eraniel, Kanyakumari District.
- 7.The Judicial Magistrate No.IV,
Madurai.
- 8.The Judicial Magistrate No.I,
Kovilpatti.
- 9.The Judicial Magistrate No.I,
Thoothukudi.
- 10.The Station House Officer,
Seidunganallur Police Station,



Crl.R.C.(MD)No.212 of 2023 etc. batch

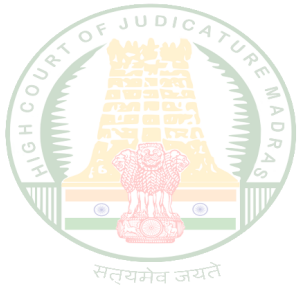
- Tirunelveli District.
- 11.Narcotics Control Bureau,
Ministry of Home Affairs,
Govt of India, Madurai.
 - 12.The Inspector of Police,
Vickramasingapuram Police Station,
Tirunelveli District.
 - 13.The Inspector of Police,
Othakadai Police Station,
Madurai District.
 - 14.The Inspector of Police,
PEW Karur Police Station,
Karur District.
 - 15.The Inspector of Police,
PEW-Madurai City,
Madurai District.
 - 16.The Inspector of Police,
Kalaiyarkovil Police Station,
Sivagangai District.
 - 17.The Inspector of Police,
Pamban Police Station,
Ramanathapuram District.
 - 18.The Inspector of Police,
Kodavasal Police Station,
Thiruvarur District.
 - 19.The Inspector of Police,
Sempatti Police Station,
Dindigul District.
 - 20.The Station House Officer (SHO),
Usilampatti Police Station,
Madurai District.
 - 21.The Inspector of Police,
Thanjavur West Police Station,
Thanjavur District.
 - 22.The Inspector of Police,
Colachel Police Station,
Kanyakumari District.
 - 23.The Inspector of Police,



Crl.R.C.(MD)No.212 of 2023 etc. batch

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- Jaihindpuram Police Station,
Madurai City.
- 24.The Station House Officer,
Perungudi Police Station,
Madurai District.
 - 25.The Inspector of Police,
Mayiladuthurai Police Station,
Mayiladuthurai District.
 - 26.The Inspector of Police,
PEW Alangudi Police Station,
Pudukkottai District.
 - 27.The Inspector of Police,
Thuckalay Police Station,
Kanyakumari District.
 - 28.The Inspector of Police,
Suchindram Police Station,
Kanyakumari District.
 - 29.The Inspector of Police,
P.E.W. Kovilpatti Police Station,
Thoothukudi District.
 - 30.The Inspector of Police,
Kodaikanal Police Station,
Dindigul District.
 - 31.The Inspector of Police,
Naducavery Police Station,
Thanjavur District.
 - 32.The Inspector of Police,
Chinnalapatti Police Station,
Dindigul District.
 - 33.The Inspector of Police,
Sawyerpuram Police Station,
Thoothukudi.
 - 34.The Inspector of Police,
Thuvarankurichi Police Station,
Trichy District.
 - 35.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.R.C.(MD)No.212 of 2023 etc. batch

K.MURALI SHANKAR,J.

csn

Pre-Delivery Common Order made in
Crl.R.C.(MD)Nos.212 of 2023, 1004, 1117, 1130, 1195,
1234, 1291, 1301, 1365 of 2024 and 150, 171, 176,
196, 201, 219, 285, 312, 334, 340, 351, 394,
439, 467, 504, 512, 518 and 536 of 2025

Dated : 04.08.2025