



W.P(MD)No.31348 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.11.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.31348 of 2025

Velmurugan

... Petitioner

Vs.

1.State of Tamil Nadu rep. by its
The Commissioner of Police,
Madurai, Madurai City.

2.The Deputy Commissioner of Police,
Prohibition Enforcement Wing,
Madurai City.

3.The Inspector of Police,
Prohibition Enforcement Wing,
Madurai City.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to release the petitioner's TVS Jupiter Vehicle bearing Registration No.TN 64 AB 8311 which was seized by the third respondent police within the time stipulated by this Court.

For Petitioner : Mr.R.Venkatesan

For Respondents : Mr.M.Karunanithi
Government Advocate (Crl.side)



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ORDER

Heard both sides.

2. The petitioner owns the petition mentioned two wheeler. On 02.10.2025, the vehicle was seized on the allegation that it was involved in illegal transportation of 400 liquor bottles. In this regard, Crime No.227 of 2025 was registered on the file of the PEW, Madurai City. The vehicle has not been produced before the trial magistrate. If it has been produced, the petitioner will have to file an application for interim custody under Section 503 of BNSS. Therefore, the petitioner can very well move the writ Court seeking interim custody.

3. The Hon'ble Supreme Court in the decision reported in **(2002) 10 SCC 283 (Sunderbhai Ambalal Desai and Others V. State of Gujarat)** has held as follows:-

“17.In our view, whatever be the situation, it is of no use to keep such seized vehicles at the police stations for a long period. It is for the Magistrate to pass appropriate orders immediately by taking appropriate bond and guarantee as well as security for return of the said vehicles, if required at any point of time. This can be done pending hearing of applications for return of such vehicles.



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4. Keeping the petitioner's two wheeler is not going to serve any purpose.

The petitioner is not having any bad antecedents. In these circumstances, the third respondent is directed to return the petition-mentioned vehicle to the petitioner. The petitioner shall not alienate the same. He shall produce the same as and when required by the respondent or by the trial Court. The grant of interim custody to the petitioner will not come in the way of the respondents from initiating confiscation proceedings.

5. The writ petition is allowed. No costs.

05.11.2025

Index : Yes / No

Internet : Yes/ No

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NOTE: Issue Order Copy on 06.11.2025

To

1.The Commissioner of Police,
Madurai, Madurai City.

2.The Deputy Commissioner of Police,
Prohibition Enforcement Wing,
Madurai City.

3.The Inspector of Police,
Prohibition Enforcement Wing,
Madurai City.



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G.R.SWAMINATHAN, J.

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