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CRL RC No. 201 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-02-2026

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CRL RC No. 201 of 2026

Shirajeeve
S/o Krishnamoorthy,
No.2/17, Periyamanguppan Village,
Nariyaneri Post,
Tirupathur Taluk and District.

...Petitioner(s)

Vs.

State rep. by,
The Inspector of Police,
Tirupattur Taluk Police station,
Tirupattur.
Crime No.508 of 2024.

...Respondent(s)

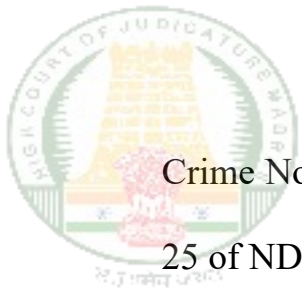
PRAYER: Criminal Revision Case is filed under Section 438 r/w 442 of BNSS, 2023, to set - aside the order dated 03.01.2025 made in C.M.P.No.1622 of 2024 passed by the learned Special Judge for EC/NDPS Act Cases at Salem, and consequently return the vehicle to allow the above criminal revision petition.

For Petitioner(s): Mr.M.N.Balakrishnan
for Mr.R.Parthiban

For Respondent(s): Mr.R.Vinothraja
Government Advocate (Crl. Side)

ORDER

The revision challenges the dismissal of the petitioner's application seeking return of vehicle vehicle, namely, Ashok Leyland Lorry bearing Registration No.KA-01-AG-1794 seized during the course of investigation in



Crime No.508 of 2024, for the offences under Sections 8(c), 20(b)(ii)(B), 29(1),
25 of NDPS Act.

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2. It is the case of the prosecution that the lorry belonging to the petitioner was used by the driver and cleaner to transport 3.800 kgs of ganja and the vehicle was seized during the course of investigation. The petitioner, who is the power agent of the owner of the vehicle sought for return of the vehicle on the ground that the owner of the vehicle is not an accused. The said petition came to be dismissed by the impugned order dated 03.01.2025 passed in C.M.P.No.1622 of 2024 on the file of the learned Special Judge for EC/NDPS Act Cases, Salem.

3. The learned counsel for the petitioner would submit that the vehicle was used on a contract basis and the owner of the vehicle is innocent; that the petitioner as power agent is entitled to file this petition; and since the owner of the vehicle is a proper person entitled to interim custody, the vehicle may be returned on any stringent conditions.

4. The learned Government Advocate (Crl. Side) for the respondent, would confirm that the owner of the vehicle is not an accused and no confiscation proceedings have been initiated so far.



5. Admittedly, the owner of the vehicle is not an accused and the vehicle is lying idle at the Police Station since 10.07.2024. Hence, this Court is inclined to hand over the interim custody of the vehicle to the owner of the vehicle. Since the petition has been filed by the power agent, the following directions are issued:

(i) Mrs.S.Deepika W/o Ezhilkumar, owner of the vehicle shall execute a personal bond for a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) with two sureties for a likesum to the satisfaction of the learned Special Judge for EC/NDPS Act Cases, Salem;

(ii) She 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 her ownership. The learned Special Judge for EC/NDPS Act Cases at Salem, 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) She shall file an affidavit before the trial Court stating that she will not alienate or alter the vehicle in any manner and that she will produce the vehicle as and when required by the respondent and by



the trial Court;

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(iv) The return of property would be subject to the result of the confiscation proceedings, if any.

6. Accordingly, this Criminal Revision Case is allowed by setting aside the order dated 03.01.2025 passed in C.M.P.No.1622 of 2024 on the file of the learned Special Judge for EC/NDPS Act Cases, Salem.

20-02-2026

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Special Judge for EC/NDPS Act Cases, Salem.

2. The Inspector of Police,
Tirupattur Taluk Police Station,
Tirupattur.

3. The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN J.
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