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Crl.R.C. NO. 276 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.02.2026

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.R.C. No. 276 of 2026

Suganya

..Petitioner

Vs.

The State rep. By its
Inspector of Police,
P-2, Otteri Police Station,
Chennai District.

..Respondent

Prayer: Criminal Revision Petition filed under Section 438 r/w 442 of BNSS to call for records pertaining to the impugned order dated 24.09.2025 in Crl.M.P. No. 2996 of 2025 passed by the learned Principal Special Court for Exclusive Trial of Cases under NDPS Act, Chennai and set aside the same.

For Petitioner :: Mr.P. Santhosh

For Respondent :: Mr.R. Vinothraja,
Govt. Advocate (Crl.Side)



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O R D E R

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The revision has been filed challenging the order dated 24.09.2025 passed by the learned Magistrate dismissing the petitioner's application for return of cash of Rs.41,300/- seized during the course of investigation in Crime No. 56 of 2025 registered for the offence under Section 8(c) r/w 20(b) (ii)(B) of NDPS Act, 1985.

2. The case of the prosecution is that the petitioner was found in possession of 1.100Kgs of Ganja when she was intercepted by the respondent Police on secret information ; during the search, she was found in possession of cash of Rs.41,300/- and the same was seized.

3. The petitioner sought for return of cash stating that the cash was meant for her personal use and there is no evidence to show that the cash was derived out of the sale of the contraband. However, the learned Principal Special Judge dismissed the petitioner's application for return of cash on the ground that the petitioner had not shown the source of cash which was recovered from her and that the co-accused was still absconding.



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4. Learned Government Advocate (Crl.Side) would submit that the impugned order is justified since the petitioner had not explained the source of cash and it has to be deemed to be proceeds of the crime and therefore, the seizure cannot be faulted.

5. The allegation against the petitioner is that she was found to be in possession of 1.100Kgs of ganja. The petitioner has no previous case. It is not the case of the respondent that the cash seized from the petitioner is either stolen property or it creates a suspicion of commission of any offence. It is their definite case that the cash is proceeds of the crime and the same has to be protected and confiscated if the petitioner is convicted of the offence alleged against her.

6. It is well-settled that unless the property is stolen property or creates a suspicion of commission of any offence, the respondent cannot invoke Section 102 Cr.P.C./106 BNSS. Since it is the case of the respondent that the cash is proceeds of crime, they are entitled to invoke Section 107 of BNSS if the provisions stipulated therein are satisfied. Hence, this Court is inclined to hand over interim custody of the cash seized from



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SUNDER MOHAN,J.

nv

the petitioner to her with liberty to the respondent to invoke Section 107 of BNSS subject to the following conditions:

- (i) The petitioner shall execute a bond for a sum of Rs.25,000/- with two sureties each for a likesum to the satisfaction of the learned Principal Special Judge, Principal Special Court under EC & NDPS Act, Chennai;
- (ii) The petitioner shall produce the cash as and when required by the Trial Court.

7. With the above directions, the revision stands allowed.

11.02.2026

Neutral Citation: yes/No

To

1. The Principal Special Judge,
Principal Special Court under EC &
NDPS Act, Chennai.
2. Inspector of Police,
P-2, Otteri Police Station,
Chennai District.
3. The Public Prosecutor,
High Court, Madras.

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