



WEB COPY

CRL RC No. 166 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-02-2026

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CRL RC No. 166 of 2026

K.Palani Kumar
S/o.Kittu, No.5, Manimegalai Street,
New Perungalathur, Chennai - 600 063.

Petitioner(s)

Vs

State of Tamilnadu by
The Inspector of Police,
Peerkankaranai Police Station.

Respondent(s)

PRAYER Criminal Revision Case filed under Section 438 r/w 442 of BNSS, praying to set aside the order dated 03.12.2025 passed in CrI.M.P.No.2689 of 2025 in Crime.No.438 of 2025 on the file of learned Judicial Magistrate-I, Tambaram.

For Petitioner(s): Mr.D. Arun Kumar

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

ORDER

This criminal revision case has been filed challenging the order dated 03.12.2025 passed in CrI.M.P.No.2689 of 2025 on the file of the learned Judicial Magistrate-I, Tambaram.



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2. The case of the prosecution is that the petitioner was found in possession of banned tobacco products weighing about 32 kgs in a two-wheeler and was also found in possession of Rs.52,000/- in cash. The petitioner sought return of the said vehicle and cash. The learned Magistrate partly allowed the petition by ordering return of the vehicle on certain conditions and dismissed the prayer for return of cash.

3. The learned counsel for the petitioner would submit that the cash seized from the petitioner is not the proceeds of crime; that even assuming that it is proceeds of crime, the respondent ought to have invoked Section 107 of BNSS; that since the petitioner is the owner of the cash, interim custody may be handed over to him. He would further submit that the condition imposed by the learned Magistrate for return of the vehicle is onerous and the same also may be modified.

4. Heard the learned Government Advocate (Crl. Side) for the respondent, who would submit that the petitioner was unable to explain the source of the cash of Rs.52,000/- and since it was seized along with the contraband, there is no infirmity in the impugned order.



5. It is seen from the records that the respondent seized the contraband and registered the case against the petitioner for the offence under Section 24(1) of the Cigarette and Other Tobacco Products Acts, 2003. It is also seen that the petitioner was in possession of Rs.52,000/- in cash and the bike at the time of seizure. If it is the case of the respondent that the cash in possession of the petitioner is proceeds of crime, the respondent ought to have invoked Section 107 of BNSS. In any event, admittedly, the petitioner is the owner of the cash. Therefore, this Court is of the view that the cash can be returned to the petitioner pending trial on certain conditions.

6. It is also seen that the condition imposed by the learned Magistrate for return of the bike is onerous. Therefore, this Court is inclined to modify the said condition.

7. The respondent shall hand over interim custody of the cash of Rs.52,000/- (Rupees Fifty Two Thousand only) to the petitioner on the following conditions:

a) The petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate-I, Tambaram.



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b) The petitioner shall produce the cash of Rs.52,000/-
(Rupees Fifty Two Thousand only) as and when required by
the learned Magistrate.

8. The condition imposed by the learned Magistrate directing execution of
bond for Rs.2,00,000/- (Rupees Two Lakh only) for return of the vehicle is
modified as follows:

*“the petitioner shall execute a bond for a
sum of Rs.50,000/- (Rupees Fifty Thousand only)
with two sureties each for a like sum to the
satisfaction of the learned Judicial Magistrate-I,
Tambaram.”*

9. It is made clear that if the respondent is of the view that the cash in
possession of the petitioner is proceeds of crime, they are at liberty to take
appropriate action under Section 107 of BNSS.

10. With the above observations and directions, this Criminal Revision
Case stands disposed of.

12-02-2026

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