



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26-02-2026

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THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL RC No. 388 of 2026

Rajadurai
S/o.Ananthan,
Mariyamman Koil Street,
G.Ariyur Village,
Thirukoilur Taluk,
Kallakurichi District.

...Petitioner/Petitioner

Vs

The Station House Officer,
Thirukoilur Police Station,
Thirukoilur,
Kallakurichi District.

...Respondent/
Respondent

Prayer : Criminal Revision Petition filed under Section 438 of Bharatiya Nagarik Suraksha Sanhita, to call for the records pertaining to Crl.M.P.No.1294 of 2025 dated 02.12.2025 on the file of the learned Judicial Magistrate, Thirukoilur and set aside the same further directing the respondent police to return the property YAMAHA FZ-S bearing registration No.TN15MD5350 pertaining to Crime No.601 of 2025 on the file of respondent.

For Petitioner : M/S.S.Kumaresan

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



ORDER

The Criminal Revision challenges the dismissal of the petitioner's application filed under Section 503 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), seeking the return of his two wheeler – Yamaha FZ-S bearing Reg.No.TN-15-MD-5350, which was seized during the course of investigation in Crime No.601 of 2025 registered for the offences under Sections 4(1)(i) of the Tamil Nadu Prohibition Act and 4(1)(A) of the Tamil Nadu Prohibition (Amendment) Act, 2024.

2. The case of the prosecution is that the petitioner had transported 17 bottles of IMFL liquor without a valid license in the two-wheeler and thus committed the aforesaid offences.

3. During the course of the investigation, the petitioner's vehicle was seized. The petitioner sought for return of the vehicle before the Trial Court, which came to be dismissed by the impugned order.

4. Mr.S.Kumaresan, the learned counsel for the petitioner, would submit that the petitioner is the owner of the vehicle and entitled to interim custody of the vehicle; that the vehicle has been lying idle from the date of seizure, namely 10.10.2025; and that the vehicle may be returned on any stringent conditions subject to the result of the confiscation proceedings.



5. Mr. R. Vinothraja, the learned Government Advocate (Crl. Side) appearing for the respondent, *per contra*, submitted that confiscation proceedings have been initiated.

6. Considering the fact that the vehicle is lying idle at the police station and since the petitioner is the owner of the vehicle, this Court is inclined to hand over interim custody of the vehicle to the petitioner subject to the result of the confiscation proceedings on the following conditions:

(i) The petitioner shall execute a personal bond for a sum of Rs.50,000/- (Rupees Fifty Thousand Only) with two sureties for a like sum to the satisfaction of the learned Judicial Magistrate, Thirukoilur;

(ii) The petitioner 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 his ownership. The learned Judicial Magistrate, Thirukoilur, 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) The petitioner shall not alter or alienate the vehicle in any manner;

(iv) The petitioner shall also give an undertaking that he will produce the vehicle as and when required by the respondent and by the Court below;

(v) The return of property would be subject to the result of the confiscation proceedings.



7. Accordingly, this **Criminal Revision Case is allowed**, and the impugned order dated 02.12.2025 made in Crl.M.P.No.1294 of 2025, passed by the learned Judicial Magistrate, Thirukoilur, is set aside.

26-02-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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Copy to:

1. The Judicial Magistrate
Thirukoilur.
2. The Station House Officer
Thirukoilur Police Station,
Thirukoilur,
Kallakurichi District.
3. The Public Prosecutor
High Court of Madras,
Chennai – 600 104.



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SUNDER MOHAN, J.
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