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CRL RC No. 351 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-02-2026

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL RC No. 351 of 2026

Akash
S/o.Annadurai,
No.1/42, Narayana Sarngu Garden Street,
Harbour, Chennai.

..Petitioner(s)

Vs

The State Rep.by, The Inspector of Police,
G-3, Kilpauk Police station,
Chennai.
Cr.no.257 of 2025.

..Respondent(s)

Prayer: This Criminal Revision Petition is filed under Section 438 r/w 442 of BNSS, to call for the records and set aside the orders passed by the learned II Metropolitan Magistrate Court at Chennai in Crl.MP.No.14887 of 2025 on 30.10.2025 and return vehicle bearing registration no TN 04 BB 7458 Burgman Street white color in chasis no.MB8EA112EP8129362 and Engine No.AF217496505 to petitioner.

For Petitioner(s):

Mr.V.Premkumar

For Respondent(s):

Mr.R.Vinothraja

Government Advocate (Crl. Side)

ORDER

The Revision challenges the dismissal of the petitioner's application for return of his property namely a two-wheeler bearing Registration No.TN 04 BB 7458, which was seized during the course of investigation in Crime No.257 of



2025, which was registered for the offences under Sections 8(c), 20(b)(ii)(A), 25, 29(1) of Narcotic Drugs @ Psychotropic Act .

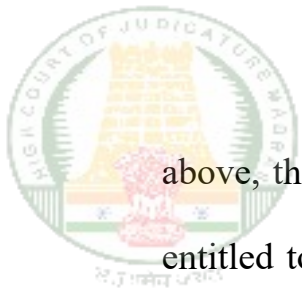
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2.The case of the prosecution is that the petitioner is the brother of A3, who was in possession of 4 grams of Ganja; that other accused were in possession of small quantities of ganja; that during the course of investigation, the petitioner's vehicle, which was used by A3 was seized. The petitioner sought for return of the vehicle, which came to be dismissed by the impugned order.

3.The learned counsel for the petitioner would submit that the petitioner is not an accused; that the vehicle is lying idle ever since the date of seizure, namely 06.10.2025; and that since he is not an accused, the interim custody of the vehicle may be returned to him on any stringent condition.

4.The learned Government Advocate (Crl. Side) confirms that the petitioner is not an accused and he is the brother of A3, who has used the vehicle.

5.It is seen that the accused in this case were found in possession of small quantities of Ganja. The petitioner is not an accused. The petitioner is the owner of the vehicle. The vehicle is kept idle in an open place in the police station since 06.10.2025 and subjected to vagaries of the weather. In the light of the



above, this Court is of the view that the petitioner would be the proper person entitled to interim custody and the vehicle can be returned to him on stringent conditions.

6. Accordingly, this Criminal Revision Case is allowed and the impugned order dated 30.10.2025 made in CrI.M.P.No.14887 of 2025 on the file of the learned II Metropolitan Magistrate Court at Chennai, is set aside. In view of the same, the respondent is directed to return the vehicle to the petitioner 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 likesum to the satisfaction of the learned II Metropolitan Magistrate, Chennai;

(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 II Metropolitan Magistrate, Chennai, 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, if any.

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

TSG

To

- 1.The II Metropolitan Magistrate Court,
Chennai.
- 2.The Inspector of Police,
G-3, Kilpauk Police station,
Chennai.
- 3.The Public Prosecutor,
Madras High Court.



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SUNDER MOHAN, J.

TSG

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