



WEB COPY

CRL RC No. 254 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-02-2026

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CRL RC No. 254 of 2026

Venkatesan

...Petitioner(s)

Vs

The State Rep by,
The Inspector of Police
Prohibition and Excise Wing
Villupuram Police Station,
Villupuram.

...Respondent(s)

PRAYER: Criminal Revision Case filed under Section 438 r/w 442 of BNSS, 2023, to call for the records and set aside the order dated 06.01.2026 passed in CrI.MP.No.4 of 2026 by the District Munsif-Cum-Judicial Magistrate, Vikravandi in Crime No.389 of 2025 on the file of the respondent police and direct the respondent to release the Swift Dzire Car bearing registration No. TN07CJ1280, by allowing this Criminal Revision Petition.

For Petitioner(s): Mr.S.V.D.Rajendra Prasad

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

ORDER

The revision challenges the dismissal of the petitioner's application seeking return of his vehicle Swift Dzire Car bearing Registration No.TN-07-CJ-1280, seized during the course of investigation in Crime No.389 of 2025.



2. The petitioner is the accused in Crime No.389 of 2025 registered for the offence under Section 4(1)(a), 14A of Tamil Nadu Prohibition Act and Section 4(1)(c) of the Tamil Nadu Prohibition of the (Amendment) Act, 2024. The allegation against the petitioner is that he had transported Indian and foreign Brandy contrary to the Rules in his vehicle and thus committed the aforesaid offences.

3. The learned counsel for the petitioner would submit that the petitioner had sought for return of the vehicle, which came to be dismissed by the impugned order and that the petitioner's vehicle is lying idle at the police station and is subjected to the vagaries of weather; and since the petitioner is the owner of the vehicle, the same may be returned to him.

4. The learned Government Advocate (Crl. Side) for the respondent, per contra, would submit that the confiscation proceedings have been initiated and therefore, the learned Magistrate is justified in dismissing the petition.

5. Admittedly, the petitioner is the owner of the vehicle. The vehicle is lying idle at the police station ever since the date of seizure i.e., 27.12.2025



and subjected to the vagaries of weather. The petitioner has no bad antecedents.

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6. Considering the aforesaid facts, this Court is inclined to hand over the interim custody of the vehicle to the petitioner, subject to the result of confiscation proceedings on the following conditions:

(i) The petitioner shall execute a personal bond for a sum of Rs.3,00,000/- (Rupees Three Lakhs only) with two sureties for a likesum to the satisfaction of the learned District Munsif – cum – Judicial Magistrate, Vikravandi;

(ii) The petitioner shall produce the original RC Book to the Judicial Magistrate, Vikravandi, who shall retain it in his custody;

(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.

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7. Accordingly, this Criminal Revision Case is allowed by setting aside the impugned order dated 06.01.2026 passed by the learned District Munsif – cum – Judicial Magistrate, Vikravandi in CrI.M.P.No.4 of 2026 in Crime No.389 of 2025.

06-02-2026

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

1. The District Munsif-Cum-Judicial Magistrate, Vikravandi
2. The Public Prosecutor,
High Court, Madras.
3. The Inspector of Police
Prohibition and Excise Wing Villupuram Police Station,
Villupuram.



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SUNDER MOHAN J.
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