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CRL RC No. 531 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-03-2026

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THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL RC No. 531 of 2026

Kalaiyarasi

..Petitioner(s)

Vs

Inspector of Police,
Paradarami Police Station,
Vellore District.

..Respondent(s)

PRAYER: This Criminal Revision Case filed under Section 438 and 442 of BNSS, 2023, to set aside the order dated 06.01.2026, passed in CMP.No.872 of 2025 in Crime No.163 of 2025 by the Additional District Judge and Presiding Officer, Special Court under EC Court, Salem.

For Petitioner(s): Mr.SP.Chockalingam

For Respondent(s): Mr.R.Kishore Kumar
Government Advocate (Crl.Side)

ORDER

The revision challenges the dismissal of the petitioner's application seeking return of her vehicle viz., Ashok Leyland Taras Lorry bearing Reg.No.TN-52-K-7398, which was seized during the course of investigation in Crime No.163 of 2025 registered for the offences under Sections 8(c), 20(b) (ii) (B), 25, 29(1) of NDPS Act, 1985 @ into Section 8(c), 20(b) (ii) (c), 25, 29(1)



of NDPS Act, 1985.

2. It is the case of the prosecution that the accused in the said case was found transporting 2 kilograms of ganja and thereby committed the offence under Sections 8(c), 20(b)(ii)(B), 25 and 29(1) of NDPS Act, 1985 @ into Section 8(c), 20(b) (ii) (c), 25, 29(1) of NDPS Act, 1985.

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

4. The learned counsel for the petitioner would submit that the petitioner is not an accused; that she is the owner of the vehicle and therefore she is entitled for interim custody of the vehicle on any stringent conditions.

5. The learned Government Advocate (Crl. Side) confirmed the fact that the petitioner is not an accused in this case and that she is the owner of the vehicle, and that confiscation proceedings have been initiated.

6. At this juncture, it is appropriate to refer to the judgment of the Hon'ble Supreme Court of India in *Bishwajit Dey Vs. The State of Assam* reported in (2025) 3 SCC 241, where the Hon'ble Supreme Court of India held



that the mere risk of misuse of the vehicle by a third party, by itself, is not sufficient to take coercive action of refusing the prayer, as the fear or suspicion is only a hypothetical situation. Apart from that, if the vehicle is not released, there is every possibility that it will be wasted to the vagaries of the weather. Further, its value will also reduce. Contrarily, putting the vehicle for beneficial utility and to earn livelihood and to use the vehicle for the benefit of the society at large, could be achieved by granting interim custody of the vehicle.

7. Accordingly, considering the above facts and circumstances of the case, and the fact that the petitioner being the owner of the vehicle and not an accused, this Court is inclined to grant interim custody of the vehicle to the petitioner, subject to the result of the confiscation proceedings. However, considering the nature of involvement of the vehicle in transporting contraband, this Court deems it appropriate to impose 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 Additional District Judge and Presiding Officer, Special Court under EC Court, Salem;

(ii) The petitioner is directed to make a non-refundable deposit of Rs.50,000/- [Rupees Fifty Thousand Only] directly to the credit of “Tamilnadu State Legal Services Authority, High Court Campus, Chennai”, without prejudice to the right of the



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defence before the Trial Court and the receipt shall be produced at the time of executing the bond;

(iii) 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 her ownership. The learned Additional District Judge and Presiding Officer, Special Court under EC Court, Salem, shall peruse the RC book and other records, retain a xerox copy of the same and return the original RC book to the petitioner;

(iv) The petitioner shall not alter or alienate the vehicle in any manner;

(v) 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;

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

8. Accordingly, this Criminal Revision Case stands allowed.

26-03-2026

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To

The Additional District Judge and Presiding Officer,
Special Court under EC Court, Salem.



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C.KUMARAPPAN, J.

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