



WEB COPY

CRL RC No. 832 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-04-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL RC No. 832 of 2026

Madhanraj

..Petitioner(s)

Vs

State Rep. By
The Station House Officer,
Cuddalore PE-Wing P.S,
Cr.No.923/2025

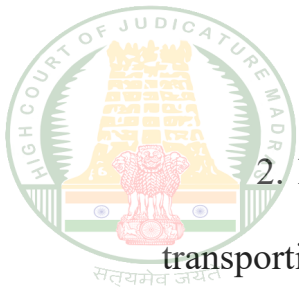
..Respondent(s)

Prayer:- This Criminal Revision Case is filed under Section 438 of BNSS, 2023, pleaded to set aside the order passed in C.M.P.No.11818 of 2025, Dated 31.12.2025 and to direct the Respondent Police to return the Petitioner's Vehicle Bike Jupiter ZX, Bearing Registration No.TN 31 CH 4564 to the Petitioner and pass any such other or further orders in the facts and circumstances of the above case and thus render justice.

For Petitioner(s):	Mr.G.Syed Kaleemullah
For Respondent(s):	Mr.R.Kishore Kumar Government Advocate (Criminal side)

ORDER

The revision challenges the dismissal of the petitioner's application seeking return of his vehicle viz., TVS Jupiter ZX bearing Reg.No.TN-31-CH-4564, which was seized during the course of investigation in Crime No.923 of 2025 registered for the offences under Section 4 (1) (C), 4 (1) (A) and 14 (A), The Tamil Nadu Prohibition (Amendment) Act.



2. It is the case of the prosecution that the accused in the said case was transporting approximately 50 bottles of 180ml Jeffries Brandy without valid permission and thus committed the offence under Section 4 (1) (C), 4 (1) (A) and 14 (A), The Tamil Nadu Prohibition (Amendment) Act.

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 he is the owner of the vehicle and therefore he is entitled for interim custody of the vehicle on any stringent conditions.

5. The learned Government Advocate (Criminal Side) confirmed the fact that the petitioner is an accused in this case and that he 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 that the petitioner being the owner of the vehicle, this Court is inclined to grant 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 likesum to the satisfaction of the learned Judicial Magistrate No.II, Cuddalore;

(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 No.II, Cuddalore, 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;



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(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.

8. Accordingly, this Criminal Revision Case stands allowed.

10-04-2026

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To

1.The Judicial Magistrate No.II, Cuddalore.

2.The Station House Officer,
Cuddalore PE-Wing P.S.

3.The Public Prosecutor
High Court of Madras.

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