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Crl.R.C.No.563 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.04.2026

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THE HON'BLE MR.JUSTICE C.KUMARAPPAN

Crl.R.C.No.563of 2026

Sasikumar

..Petitioner(s)

Vs

State by
The Station House Officer
Prohibition Enforcement Wing
Villupuram Police Station
Villupuram.
(Crime No.36 of 2026)

..Respondent(s)

PRAYER : Criminal Revision Petition filed under Sections 438 r/w 442 of BNSS, to call for the records of the learned District Munsif-cum-Judicial Magistrate Court, Vikravandi, Villupuram District, set aside the order made in Crl.M.P.No.176 of 2026 dated 16.02.2026 and order return of the above said vehicle viz., Pulsar 150 DTS I, Black Decal Blue, bearing Registration No.TN-19-AQ-3567, Chasing No.MD2A11CX1LCH33884, Engine No.DHXCLH47949, concerned in Crime No.36 of 2026 on the file of the Inspector of Police, Prohibition Enforcement Wing, Villupuram Police Station, Villupuram District to the custody of the petitioner herein.

For Petitioner(s):

Mr.C.Pushparaj

For Respondent(s):

Mr.R.Kishorekumar
Government Advocate (Crl.Side)



ORDER

The Revision challenges the dismissal of the petitioner's application seeking return of his vehicle viz., PULSAR 150 DTS I, BLACK DECAL BLUE, bearing Reg.No.TN-19-AQ-3567, which was seized during the course of investigation in Crime No.36 of 2026 registered for the offences under Section 4(1)(C) of the Tamil Nadu Prohibition (Amendment) Act and Section 14A of TNP Act.

2. According to the prosecution, the accused was illegally transporting of 11 Courried Napoleon Brandy 750 ML and thus committed the offence under Section 4(1)(C) of the Tamil Nadu Prohibition (Amendment) Act and Section 14A of TNP Act.

3. It is the specific submission of the learned counsel for the petitioner that he is not an accused in this case and that he is the owner of the property and the accused has misused the said vehicle. The learned counsel for the petitioner would further submit that the learned Magistrate has dismissed the application on account of the pendency of confiscation proceedings under Section 451 of Cr.P.C and contends that if the vehicle is not released, the same would get damaged.



4. At this juncture, the learned Government Advocate (Crl.side) would fairly submit that the petitioner is not an accused and is the owner of the property.

5. 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.

6. 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.

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

8. 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.

9. Accordingly, considering the above facts and circumstances of the case, and 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 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 District Munsif-cum-Judicial Magistrate, Vikravandi, Villupuram;

(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 District Munsif-cum-Judicial Magistrate, Vikravandi, Villupuram District, 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.

10. Accordingly, this Criminal Revision Case stands allowed.

17.04.2026

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To

1.The District Munsif-cum-Judicial Magistrate, Vikravandi
Villupuram District.

2.The Station House Officer
Prohibition Enforcement Wing
Villupuram Police Station
Villupuram.
(Crime No.36 of 2026)

3. The Public Prosecutor,
High Court, Madras.



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C.KUMARAPPAN, J.

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