



WEB COPY

CRL RC No. 776 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-04-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL RC No. 776 of 2026

Prema
C/o.Ponnulaganathan,
196, Ambetkar Street,
Peravur,
Dindivanam,
Villupuram 604 154.

..Petitioner(s)

Vs

The State Rep By The Inspector of Police
P6 Kodungaiyur Police Station,
Chennai .
Crime No. 857/2024.

..Respondent(s)

Prayer: This Criminal Revision Case filed under Section 397 r/w 401 of Cr.P.C and Section 497 of BNSS, 2023, to call for the records relating to the order dated 23.04.2025 in Crl.MP.No.1602/2025 on the file of The Principal Special Court EC and NDPS Act, Chennai and set aside the same and direct the respondent police to return the Apple iphone 13 seized in Cr.No.857/2024 to the petitioner on appropriate conditions.

For Petitioner(s):

Mr.S.Irfan Basha

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 his Apple Iphone 13, which was seized during the course of investigation in Crime No.857 of 2024 registered for the offences under Sections 8(c) r/w 20(b)(ii)(B), 22(a), 25 and 29(1) of the NDPS Act, 1985.

2. The case of the prosecution is that the petitioner along with other accused was found in possession of 1.200 kgs of ganja and 1.53 grams of Methamphetamine, which were recovered by the respondent police from the accused persons. Hence, the case.

3. The learned counsel for the petitioner submitted that the petitioner is not an accused in the above crime number and that the petitioner is only the sister of A4. He further submitted that the contraband recovered falls under intermediate quantity and that the petitioner's mobile phone was seized during the course of investigation. Hence, the petitioner filed an application Section 497 of BNSS, 2023 seeking return of her property. However, the learned Magistrate dismissed the said petition on the ground that the investigation is still pending and that the mobile phone may be required by the prosecution for adducing additional evidence. Aggrieved the same, the petitioner has filed the present revision.

4. Heard the learned counsel appearing on either side and perused the materials available on record.



5. Taking into consideration the totality of the circumstances and upon the fact that the petitioner is not an accused, and that the contraband seized is of intermediate quantity, this Court is inclined to order return of the mobile phone to the petitioner. Accordingly, learned Principal Special Court under EC & NDPS Act, Chennai, is directed to return the Apple i-phone 13, to the petitioner on the following condition:-

(i) the petitioner shall execute a personal bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, for a like sum to the satisfaction of the learned Principal Special Court under EC & NDPS Act, Chennai;

(ii) The petitioner shall not alter, alienate or encumber the Apple i-phone 13, in any manner till the trial is completed;

(iii) The petitioner shall also give an undertaking that she will produce the Apple i-phone 13, as and when required by the respondent and by the Court below.

6. In the result, this Criminal Revision Case stands ordered setting aside the impugned order, dated 23.04.2025 in Crl.MP.No.1602 of 2025 in Crime No.857 of 2024 passed by the learned Principal Special Court under EC & NDPS Act, Chennai.

07-04-2026

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



To

1.The Principal Special Court under EC & NDPS Act,
Chennai.

2.The Inspector of Police
P6 Kodungaiyur Police Station,
Chennai .

3.The Public Prosecutor,
High Court, Madras.



WEB COPY

CRL RC No. 776 of 2



C.KUMARAPPAN, J.

DRL

CRL RC No. 776 of 2026

07-04-2026