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CRL RC No. 743 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-04-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL RC No. 743 of 2026

Sakthivel
S/o. Subramani,
No.3/109-A, Paruthikadu,
Kuppanur,
Poovanur,
Salem.
Tamilnadu - 636 122.

..Petitioner(s)

Vs

The State of Tamil Nadu rep.by, The Inspector of
Police,
PEW Gummidipoondi Unit,
Thiruvallur District.

..Respondent(s)

Prayer: This criminal revision petition is filed under Section 438 r/w. 442 of BNSS., to set aside the order passed in Crl.M.P.No.844 of 2026 dated 16.03.2026 on the file of the learned Principal Special Court under EC and NDPS Act, Chennai - 104 and to direct the court below to Return the Property in Cr.No.120 of 2025 on the file of Respondent.

For Petitioner(s): M.P.Saravanan

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 vehicle viz., Ashok Leyland lorry bearing Reg.No.TN 52



AB 8935, which was seized during the course of investigation in Crime No.120 of 2025 registered for the offences under Sections 8(c) r/w. 20(b)(ii)(c), 25 and 29(1) of NDPS Act.

2. It is the case of the prosecution that the accused in the said case was in illegal transportation of 100 kgs of ganja and thus committed the offence under Sections 8(c) r/w. 20(b)(ii)(c), 25 and 29(1) of NDPS 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 (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.

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 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 Principal Special Court under EC and NDPS Act, Chennai - 104;

(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 Principal Special Court under EC and NDPS Act Chennai, 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.

WEB COPY 8. Accordingly, this Criminal Revision Case stands allowed.

MPA

01-04-2026



To

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1. The Principal Special Court under EC and NDPS Act, Chennai – 104.
2. The Inspector of Police,
PEW Gummidipoondi Unit,
Thiruvallur District.
3. The Public Prosecutor,
High Court, Madras.



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C.KUMARAPPAN, J.

MPA

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