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CRL RC No. 870 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-04-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL RC No. 870 of 2026

Sivakumar

..Petitioner

Vs

The State Rep.by,
The Sub Inspector of Police,
PEW Police Station,
Vellore District.
Cr.No.115 of 2025.

..Respondent

Prayer: Criminal Revision case filed under section 442 of BNSS to call for the entire records pursuant to the order passed in C.M.P.No. 8621/2025 on the file of the learned Judicial Magistrate, Gudiyatham, Vellore District vide order 27.11.2025 consequently direct the interim custody of the petitioner's two wheeler Hero Splendor Bearing registration No. TN 23 DX 3269, Engine No. HA11E8PHF65739, Chassis No. MBLHAW229PHF05826.

For Petitioner: Mr.S. Gokul

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

ORDER

The revision challenges the dismissal of the petitioner's application seeking return of his vehicle viz., two wheeler Hero Splendor Bearing registration No. TN 23 DX 3269, Engine No. HA11E8PHF65739, Chassis No.



MBLHAW229PHF05826 which was seized during the course of investigation in Crime No.115 of 2025 registered for the offences under Section 4(1)A, 4(1)C of Tamil Nadu Prohibition Act.

2. It is the case of the prosecution that the accused was found in possession of three litres of coconut toddy and one Devendiran was arrested and thus committed the offence under Sections 4(1)A, 4(1)C of Tamil Nadu Prohibition 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. Mr.R.Kishore Kumar, Government Advocate (Crl.Side) takes notice for the respondent police and 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 Judicial Magistrate, Gudiyatham, Vellore District;

(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, Gudiyatham, Vellore 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.

8. Accordingly, this Criminal Revision Case stands allowed.

17-04-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

SHL

To:

1. The Judicial Magistrate,
Gudiyatham, Vellore District

2. The Sub Inspector of Police,
PEW Police Station,
Vellore District.

3. The Public Prosecutor
High Court of Madras



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C.KUMARAPPAN J.

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