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CRL RC No. 850 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-04-2026

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THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL RC No. 850 of 2026

Janarthanan

..Petitioner(s)

Vs

State, rep. by, The Sub Inspector of Police,
Olakkur Police Station,
Villupuram District.
Crime No.20 of 2026

..Respondent(s)

Prayer:- This Criminal Revision Case filed under Section 438 and 442 of BNSS, 2023, pleaded to call for the records and set aside the order passed in Crl.M.P.No.137 of 2026 on the file of the Judicial Magistrate I, Tindivanam dated 17.03.2026 in Crime No.20 of 2026 on the file the respondent dated 16.01.2026 and direct the respondent to release the Yamaha R15 two wheeler bearing registration No.TN-16-J-3957 and allow this Criminal Revision Petition and thus render Justice.

For Petitioner(s):

M/s.G.Tamil Selvan

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., Yamazha R15 Two-wheeler bearing Reg.No.TN-16-J-3957, which was seized during the course of investigation in Crime No.20 of 2026 registered for the offences under Section 4 (1) (A), 4 (1) (C) and 14 (A), of The Tamil Nadu Prohibition (Amendment) Act, 2024.



2. It is the case of the prosecution that the accused in the said case was transporting approximately 97 bottles of liquor without valid permission and thus committed the offence under Section 4 (1) (A), 4 (1) (C) and 14 (A), of the Tamil Nadu Prohibition (Amendment) Act, 2024.

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 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 I, Tindivanam;

(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.I, Tindivanam, 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.

15-04-2026

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To

1.The Judicial Magistrate I, Tindivanam.

2.Inspector of Police,
Olakkur Police Station,
Villupuram District.

3.The Public Prosecutor
High Court of Madras

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