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Crl.R.C.No.936 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

Crl.R.C.No.936 of 2026

Sivaraj

..Petitioner(s)

Vs.

The State by
The Inspector of Police
NIB-CID P.S., Salem
(Crime No.37 of 2025)

..Respondent(s)

PRAYER : Criminal Revision Petition filed under Section 438 r/w 442 of BNSS, to set aside the order in Crl.M.P.No.109 of 2026 dated 10.03.2026 in Spl.C.C.No.279 of 2025, on the file of the learned Special Judge NDPS Act, Salem and return the item.

For Petitioner(s):

Mr.S.Sudhanthiran

For Respondent(s):

Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)

ORDER

This Civil Revision Petition has been filed to set aside the order in Crl.M.P.No.109 of 2026 dated 10.03.2026 in Spl.C.C.No.279 of 2025, on the file of the learned Special Judge NDPS Act, Salem and return the item.



2. The learned counsel for the petitioner would fairly submit that the petitioner is an accused.

3. In view of the above fair submission, as per the judgment of Hon'ble Supreme Court in the case of ***Bishwajit Dey Vs. The State of Assam***, reported in **2025 INSC 32**, unless the accused establishes his reverse burden, the question of handing over the vehicle does not arise.

4. The learned Special Judge has also relied upon the above judgment and has dismissed the application. This Court absolutely does not find any infirmity or perversity over the above order. As per the finding of the trial Court, unless the petitioner being the accused in the case discharges the reverse burden, the question of handing over the vehicle to him does not arise.

5. Hence, this Criminal Revision Petition is dismissed.

27.04.2026

dna



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To

1.The Special Judge NDPS Act, Salem.

2.The Inspector of Police
NIB-CID P.S., Salem
(Crime No.37 of 2025)

3.The Public Prosecutor,
High Court, Madras.



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C.KUMARAPPAN, J.

dna

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