



Crl.A.No.1703 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.01.2026

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.A.No.1703 of 2025

Roshan Nair

... Appellant

Vs.

The Intelligence Officer  
Narcotic Control Bureau,  
Chennai.

... Respondent

Prayer: Criminal Appeal filed under Section 500 of BNSS to return of property Indian Passports bearing Nos.B 5826343 and J 4467300 and Pan card bearing No.AEUPN1842F and Driving Licence bearing No. MH04 20100040082 in Crl.A.No.465 of 2018 pending before this Court.

For Appellant : Mr.M.S.Ramesh

For Respondent : Mr.N.P.Kumar  
Special Public Prosecutor



Crl.A.No.1703 of 2025

WEB COPY

## JUDGMENT

The appellant/A2 in C.C.No.36 of 2015 was convicted by the Trial Court by judgment dated 31.05.2018 for the offence under Section 8(c) r/w. 29, 22(c), 27A and 28 of Narcotic Drugs and Psychotropic Substances Act (NDPS Act) and sentenced to undergo ten years rigorous imprisonment and to pay a fine of Rs.1,00,000/- each for each offence under Sections 22(c), 27A, 28 and 29 of NDPS Act, in default, to undergo one year rigorous imprisonment for each offence. Aggrieved against the same, the petitioner filed an appeal before this Court in Crl.A.No.465 of 2018.

2.The appellant was arrested in this case on 10.02.2015 and right from the date of his arrest, he is in prison as under trial prisoner and thereafter as convict prisoner. Now the appellant had undergone the period of sentence and paid Rs.4,00,000/- before the Trial Court vide Challan No.20250205011473 dated 05.02.2025 and now the appellant was released from the prison. Thereafter, the appellant filed a petition under Section 498 of BNSS before the Trial Court in Crl.M.P.No.2547 of 2025 seeking return of original Indian Passport bearing numbers B 5826343 and J 4467300, Pan



Crl.A.No.1703 of 2025

Card bearing number AEUPN1842F and Driving License bearing number MH04 20100040082 which was seized by the respondent during investigation and marked as Ex.P8 and Ex.P9. The Trial Court finding that the entire case records already sent to the High Court in Crl.A.No.465 of 2018 on 29.05.2015 itself, dismissed the petition by order dated 18.06.2025. Against which, the present criminal appeal filed.

3. The contention of the learned counsel for the appellant is that now the appellant was released after serving the sentence and he needs his Passports for renewal and also to have his fundamental right of travel to seek employment and other purpose. Further the driving licence is required for continuing his driving.

4. The learned Special Public Prosecutor submitted that in this case the appellant is arrayed as A2, one Rohit Balasubramaniam was arrayed as A1 who was also arrested and convicted for identical charge. He would submit that A1 filed appeal in Crl.A.No.404 of 2018 and he was granted suspension of sentence. As regards A1, the case is yet to reach its finality. As regards the appellant/A2, he has undergone the period of sentence and paid the fine



amount. He would further submit that he has got objection for returning the passport and driving license of the appellant for the reason that it might be required in Crl.A.No.404 of 2018 but he fairly submitted that if the Passports and Driving license are substituted by photostat copies along with an undertaking affidavit, so that it forms part of records in Crl.A.No.404 of 2018. He further submitted that the appellant should provide his present address and contact details for communication, if required.

5.The learned counsel for the appellant submitted the Passports and Driving License of the appellant has nothing to do with the case. Both documents seized from the appellant when he was staying in a Hostel. These documents are no way connected to the case and fact in issue, in any event, if required, he shall produce the same.

6.Considering the submissions made and on perusal of the materials, the Registry is directed to return the Indian Passport bearing numbers B 5826343 and J 4467300, Pan Card bearing number AEUPN1842F and Driving License bearing number MH04 20100040082 to the appellant. The appellant to submit the self attested photostat copy of Passports, Driving



Crl.A.No.1703 of 2025

License and Pan Card along with an affidavit, to produce the same as and when required. The appellant to be identified by the learned counsel for the appellant. The photostat copies of returned documents to be replaced in the records of the case.

7.In the result, the Criminal Appeal stands disposed of.

07.01.2026  
(1/2)

Index : Yes/No  
Speaking Order/Non Speaking Order  
Neutral Citation: Yes/No  
*cse*

To

- 1.The Intelligence Officer  
Narcotic Control Bureau,  
Chennai.
- 2.The Special Public Prosecutor,  
High Court, Madras.



WEB COPY



Crl.A.No.1703 of 2025

M.NIRMAL KUMAR, J.

*cse*

Crl.A.No.1703 of 2025

07.01.2026  
(1/2)