



CRL RC(MD). No.597 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 06/04/2026

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THE HONOURABLE MRS. JUSTICE L. VICTORIA GOWRI

CRL RC(MD). No.597 of 2026

Shanmugam

... Petitioner

Vs

State of Tamilnadu Rep by
Inspector of Police,
Thoothukudi Nibcid Police Station,
Thoothukkudi District.
Crime No.7 of 2023.

... Respondent

PRAYER :-

To call for the records pertaining to order passed in Cr.M.P.No.237 of 2026 on the file of Learned Principal Special Court for Narcotic Drugs and Psychotropic Substance Act cases, Madurai dated 07.03.2026 and set aside the same.

For Petitioner : Mr. P.T.Ramesh Raja,
Advocate.

For Respondent : Mr.S.Ravi
Additional Public Prosecutor



CRL RC(MD). No.597 of 2026

ORDER

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This Criminal Revision Petition is filed to call for the records relating to the order of the learned Principal Special Court for Narcotic Drugs and Psychotropic Substance Act cases, Madurai, in Cr.M.P.No. 237 of 2026 dated 07.03.2026 filed by the petitioner under Section 497 of BNSS and set aside the same as illegal and entrust the custody of the vehicle to the petitioner and allow the above Criminal Revision Petition.

2. The case of the prosecution is that the 1st respondent filed a FIR in Crime No.7 of 2023 for an alleged offence under Section 8(c) r/w 20(b)(ii)(B), 25 and 29(1) of the NDPS Act, for illegal transportation of Ganja through TVS Jupiter 125 bearing registration No.TN 63 BM 5794. Subsequently, the petitioner's vehicle was seized. Thereafter, the petitioner filed CrI.M.P.No.237 of 2026 for the return of vehicle before the learned Principal Special Court for Narcotic Drugs and Psychotropic Substance Act cases, Madurai, and the same was dismissed on 07.03.2026.



CRL RC(MD), No.597 of 2026

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3. The petitioner preferred this Criminal Revision Petition as against the order dated 07.03.2026 made in CrI.M.P.No.237 of 2026 on the file of the learned Principal Special Court for Narcotic Drugs and Psychotropic Substance Act cases, Madurai and to set aside the same.

4. Heard the learned counsels on either side and carefully perused the materials available on record.

5. The learned Additional Public Prosecutor appearing for the respondent Mr.S.Ravi, submitted that if the vehicle is returned to the petitioner, there is possibility for the vehicle being used for the commission of similar offence and objected to grant interim custody of the vehicle to the petitioner.

6. The learned counsel appearing for the petitioner would submit that the vehicle bearing Registration No.TN 63 BM 5794 was owned by the petitioner and the same was stolen on 17.11.2022 and the petitioner has lodged a complaint in this regard, based on which Crime No.390 of



CRL RC(MD), No.597 of 2026

2022 was also registered on 05.12.2022. Further submitted that he was not involved in any such offence as alleged by the respondent and if the vehicle is kept in open place, the vehicle will get deteriorated and the value of the vehicle would automatically stand diminished and therefore interim custody may be granted to the petitioner.

7. Considering the fact that if the vehicle is kept in open place exposing to sun and rain, the value of the vehicle will be deteriorated and no purpose will be served in keeping the vehicle in custody, this Court is inclined to allow the revision and thereby setting aside the impugned order dated 07.03.2026 passed in Crl.M.P.No.237 of 2026 by the learned Principal Special Court for Narcotic Drugs and Psychotropic Substance Act cases, Madurai.

8. Accordingly, this Criminal Revision Case is allowed and the order dated 07.03.2026 passed in Crl.M.P.No.237 of 2026 by the learned Principal Special Court for Narcotic Drugs and Psychotropic Substance Act cases, Madurai, is hereby set aside and the vehicle viz., TVS Jupiter 125 bearing registration No.TN 63 BM 5794, is ordered to be returned to



CRL RC(MD). No.597 of 2026

the petitioner for interim custody subject to the confiscation proceedings to be taken by the concern Department or by the Court on the following conditions:-

- (a) the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)**, with two sureties for a likesum to the satisfaction of the learned Principal Special Court for Narcotic Drugs and Psychotropic Substance Act cases, Madurai ;
- (b) The petitioner shall deposit the copy of RC Book of the vehicle before the learned Principal Special Court for Narcotic Drugs and Psychotropic Substance Act cases, Madurai . The petitioner is also directed to produce an affidavit submitting that the original RC Book is in the custody of the finance company and also produced a letter from the finance company concerned acknowledging the custody of the original RC Book in their office;
- (c) the petitioner shall give an undertaking before the respondent/ authority concerned stating that he will not use the vehicle in question for any illegal activities in future, failing which the respondent/trial Court is at liberty to confiscate the vehicle;
- (d) the petitioner shall not alienate and shall not make any alteration in the vehicle;



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CRL RC(MD), No.597 of 2026

(e) the petitioner shall produce the vehicle before the learned Trial Court once in a month i.e, on 1st Monday of every English calendar month;

06.04.2026

Note: Issue order copy on **07.04.2026**

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To

- 1.The Principal Special Court for Narcotic Drugs and Psychotropic Substance Act cases, Madurai.
2. The Inspector of Police, Thoothukudi, Nibcid Police Station, Thoothukkudi District. Crime No.7 of 2023.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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CRL RC(MD), No.597 of 2026

L.VICTORIA GOWRI,J

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ORDER
IN
CRL RC(MD) No.597 of 2026

Date : 06/04/2026