



Crl.R.C.(MD)No.306 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : **03.06.2026**

CORAM:

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

Crl.R.C.(MD)No.306 of 2026

Dhanapal

... Petitioner

Vs.

The State of Tamilnadu,
Rep. By the Inspector of Police,
SS Colony Police Station,
Madurai.
Crime No.227 of 2024

... Respondent

PRAYER : Revision filed under Section 438 r/w 442 of BNSS, 2023 to call for the records of the impugned order in Crl.M.P.No.785 of 2025 on the file of the Principal Special Court for NDPS Act Cases, Madurai dated 22.04.2025 and set aside the same and consequently, release the petitioner's vehicle Ashok Leyalnd Ltd Sleeper cum Seated bus bearing Reg. No. AR 06 B 8430 as interim custody to him.

For Petitioner : Mr.T.Romeo Roy Alfred

For Respondent : Mr.D.Rajaboopathy

Counsel for State of TN (Crl.Side)



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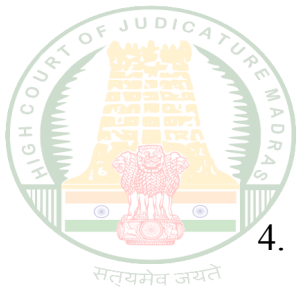
ORDER

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This Criminal Revision Petition is filed to set aside the order of the learned Principal Special Court for NDPS Act Cases, Madurai, in Crl.M.P.No. 785 of 2025 dated 22.04.2025 filed by the petitioner under Section 497 of BNSS of 2023.

2. The case of the prosecution is that the respondent filed an FIR in Crime No.227 of 2024 for an alleged offence under Section 8(c) r/w 20(b)(ii) (B) of NDPS Act, for illegal transport of drugs through Ashok Leyalnd Ltd Sleeper cum Seated bus bearing Reg. No. AR 06 B 8430. Subsequently, the petitioner's vehicle was seized. Thereafter, the petitioner filed Crl.M.P.No.785 of 2025 for the return of vehicle before the learned Principal Special Court for NDPS Act Cases, Madurai, and the same was dismissed on 22.04.2025.

3. The petitioner preferred this Criminal Revision Petition as against the order dated 22.04.2025 made in Crl.M.P.No. 785 of 2025 on the file of the learned Principal Special Court for NDPS 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 Government Advocate (Criminal side) appearing for the respondent 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. Despite having obtained several adjournments for filing a counter affidavit, no counter has been filed till date. However, the learned counsel vehemently contended that a counter affidavit is necessary for the proper adjudication of the matter.

7. The learned counsel appearing for the petitioner would submit that the vehicle Ashok Leyland Ltd Sleeper cum Seated bus bearing Reg. No. AR 06 B 8430 is owned by the petitioner and he is the owner of the said vehicle. He was not involved in any such offence as alleged by the respondent and the petitioner is not the accused 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 of the vehicle may be granted to the petitioner.



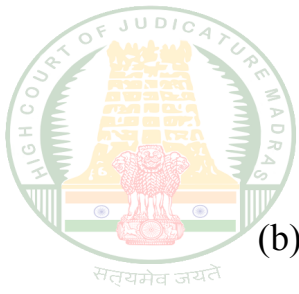
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8. Considering the fact that if the vehicle is kept in open place exposing to sun and rain, the value of the vehicle will be deteriorated and that no purpose will be served in keeping the vehicle in custody, this Court is inclined to allow the revision thereby, setting aside the impugned order dated 22.04.2025 passed in Crl.M.P.No.785 of 2025 by the learned Principal Special Court for NDPS Act Cases, Madurai.

9. Accordingly, this Criminal Revision Case is allowed and the order dated 22.04.2025, passed in Crl.M.P.No. 785 of 2025 by the learned Principal Special Court for NDPS Act Cases, Madurai, is hereby set aside and the vehicle viz., Ashok Leyalnd Ltd Sleeper cum Seated bus bearing Reg. No. AR 06 B 8430, is ordered to be returned to the petitioner for interim custody subject to the confiscation proceedings to be taken by the concerned Department or by the Court on the following conditions:-

(a) The petitioner is directed to deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) as non-refundable deposit for the said vehicle to the credit of Mangayar Mangalam, an organization contributing towards underprivileged women and children, A/C No. 12730100005505, Branch: Egmore Branch, Chennai, IFSC Code:BARB0EGMORE;



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(b) The petitioner shall execute a bond for a sum of Rs.8,00,000/- (Rupees Eight Lakhs only), with two sureties for a likesum to the satisfaction of the learned Principal Special Court for NDPS Act Cases, Madurai;

(c) The petitioner shall produce the original RC Book of the vehicle before the learned Principal Special Court for NDPS Act Cases, Madurai. If the original RC Book is in the custody of the finance company, the petitioner shall produce a photocopy of the RC Book, along with an affidavit stating that the original is with the finance company and a letter from the finance company acknowledging such custody.

(d) 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;

(e) The petitioner shall not alienate and shall not make any alteration in the vehicle;

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

03.06.2026

NCC : Yes / No
Index : Yes / No
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L.VICTORIA GOWRI, J.

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TO:-

1. The Inspector of Police,
SS Colony Police Station,
Madurai.
2. The Principal Special Court for NDPS Act Cases, Madurai.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
CrI.R.C.(MD)No.306 of 2026

Dated
03.06.2026