

In the Court of the Judicial Magistrate, No.II, Dindigul
Present. Thiru. C.Dinesh Kumar, B.A.LL.B(Hons), LL.M.,
Judicial Magistrate, No.II, Dindigul
Wednesday 22nd day of July 2026
CRLMP.No.1718/2026
CNR No.TNDG03-004010-2026
Cr.No.250/2026 – Thadicombu P.S, Dindigul



Sivaganesh sabari (21/2026)
 S/o.Kumaresan,
 Door.No.74A/1, Pillaiyarpalayam,
 Ponnarasi Compound,
 Dindigul District.

..... Petitioner/Property Owner

/Vs/

State by : Sub Inspector of Police,
 Dindigul Thadicombu P.S. Cr.No.250/2026
 U/s.20(b)(ii)(A), 25, 8(c) of NDPS Act & 123 of BNS

.....Respondent

Petition filed U/s. 497 of BNSS to return the case property.

This petition has been filed on behalf of the petitioner under section U/s. 497 of BNSS By Advocate Thiru.R.Gopalakrishnan, B.A., B.L., for interim custody of the case property and upon perusal of petition, records, and the objection filed by the Respondent/complainant and upon hearing of both sides this court delivers the following

ORDER

1. This petition is filed by the petitioner U/s. 497 of BNSS with a prayer to return the case property of TN 65 AJ 6040 Honda Dio (Two Wheeler) which was seized in connection with Cr.No.250/2026 registered U/s.20(b)(ii)(A), 25, 8(c) of NDPS Act & 123 of BNS in Dindigul Thadicombu Police Station.

2. The learned counsel for the petitioner submitted that, a case has been registered against the petitioner based on the allegation that he used a Honda Dio vehicle, bearing registration number TN 65 AJ 6040, to commit the offence of selling cannabis, and the aforementioned property was subsequently seized by the police and produced before this court and number as RPR No.116/2026. The petitioner is the absolute owner of the said TN 65 AJ 6040 Honda Dio (Two Wheeler), which was seized by the police in connection with this case. The vehicle is currently in the custody of the Dindigul Thadicombu Police Station. It is further submitted that the vehicle has been in police custody since the date of its seizure. If it continues to remain there, exposed to the sun and rain, it is highly likely to deteriorate and lose its value. Furthermore, the petitioner is currently need his bike for his personal use. The petitioner is ready to give an undertaking that he will neither alienate the vehicle nor alter its physical features, and that he will produce the property as and when directed by this Court. Under these circumstances, the petitioner prays for an order granting interim custody of the case property seized in Cr. No. 250/2026.

3. The learned A.P.P. appearing for the state submitted that this case property is very essential to prove the prosecution by marking as M.O. Hence objected to give interim custody of vehicle to this petitioner/property owner.

4. This Court after having verified the case records and documents filed along with this petition and considering the facts and circumstances and the case averments stated in the affidavit filed by the petitioner that, he is the owner of the case property which was seized in this case. The petitioner is in need of the vehicle for his personal work and he is ready to abide any condition imposed by this court, for interim custody of the vehicle. If the vehicle is under the custody of the Respondent herein for a long time and the same is allowed to be kept idle by exposing the same to sun and rain, it would certainly diminish its value ultimately it is of no use, in keeping the property in custody of the police, till pending finalization of the trial.

5. In *Sunderbhai Ambalal Desai Vs. State of Gujarath*, the Hon'ble Apex Court has laid down that in case of vehicles seized during investigation, they should not be allowed to deteriorate by being kept unused and unattended in the premises of the police stations. Therefore, the vehicle has to be entrusted to the interim custody of the petitioner subject to appropriate conditions.

6. In view of the above, that the petitioner/property owner is entitled to the interim custody of the vehicle and thus the petition is allowed and the vehicle bearing TN 65 AJ 6040 Honda Dio (Two Wheeler) seized in connection with the Cr.No.250/2026 on the file of the Station House Officer, Dindigul Thadicombu P.S., to be returned to this interim custody of the petitioner herein subject to following conditions:

- i. The petitioner shall execute a own bond for a sum of Rs. 25,000/- (Rupees Twenty Five Thousand Only) and also produce one Blood surety for a sum of Rs.10,000/-(Rupees Ten Thousand Only) to the satisfaction of this court.
- ii. The petitioner shall not alienate or alter its nature or transfer the property till disposal of the case.
- iii. The petitioner shall submit the photographs of the properties from four dimensions and to be certified U/s.65(b) of Indian Evidence Act.
- iv. The petitioner shall produce the properties at the time of trial before this court and also when directed by this Court.
- v. The petitioner shall execute the panchanama in Judicial Form No.82 in accordance with law.

Accordingly this petition is allowed.

This order was dictated to steno typist by me, typed by him, corrected and pronounced by me in open court today, the 22nd day of July 2026.

Judicial Magistrate No.II
Dindigul.