

**IN THE COURT OF ADDITIONAL DISTRICT AND SESSIONS JUDGE / PRESIDING
OFFICER SPECIAL COURT FOR E.C, AND NDPS ACT CASES, PUDUKKOTTAI.**

Present: Thiru. T. Panneerselvam, M.BA.,M.L.,
Additional District and Sessions Judge / Presiding Officer,
Special Court for E.C. and NDPS Act Cases, Pudukkottai.

Thiruvalluvar Aandu 2057 Parapava Varudam Aani Thingal 02nd day

Tuesday the 16th day of June' 2026

Cr.M.P.No.742/2026

Indhira, aged 31/26
W/o. Radhakrishnan.

.. Petitioner/3rd Party/Owner of the Vehicle

/Vs./

The Inspector of Police
Meensuruti P.S in Cr.No.57/2026.

.. Respondent/ Complainant.

This petition was filed through CIS and came before me on this day in the presence of Thiru.Arulpandiyan, B.A.,B.L., for the Learned Counsel for the Petitioner/3rd Party/Owner of the Vehicle and of Thiru. M. Senthilkumar, B.A.,B.L., Learned Special Public Prosecutor for the Respondent/Complainant, upon hearing both side this court after perusing the records passed the following:

ORDER

This petition has been filed u/s 497 r/w 503 of BNSS Act by the Petitioner/3rd Party /Owner of the Vehicle praying to return the vehicle for her interim custody.

2. The averments contained in the Petition in brief is as follows:-

The petitioner is the 3rd Party in the present case and she is the owner of the two

wheeler TN 68 AB 7058 Hero Splendor + . The Respondent/Complainant filed the present false case against one Moorthy and others and recovered the petitioner's Two wheeler. The Two wheeler is vital for her livelihood. There is no connection to her vehicle TN 68 AB 7058 Hero Splendor + two wheeler . The present case was registered against the accused u/s 8(c)r/w20(b)(ii)(B) ,25 of NDPS Act 1985 in Crime No.57/2026. The Police seized the said Two wheeler and kept in the police station. Therefore the petitioner prays this Court to return the said two Wheeler to him for her interim custody.

3. The Special Public prosecutor filed the written objection of the Respondent and in which the respondent is stated that if the two wheeler will handed over to the Owner of the Vehicle / Petitioner for her interim custody, she will not produce the vehicle when the Court is order to produce.

4. Heard Both sides. Neither oral nor documentary evidence was let in by both sides.

5. (i) The Respondent has registered the FIR in crime Number 57/2026 u/s 8(c) 20(b)(ii)(B) ,25 of the NDPS Act, against the accused namely Moorthy and others and recovered the properties viz., Ganja weighing about 1.120 Kg, two wheeler .

5.(ii) On perusal of the provisions of Section 60(3) and Section 63 of the NDPS Act, it is clear that the conveyance seized under the NDPS Act shall be liable to confiscation only when the owner of the conveyance who was given an opportunity by the Court could not prove that the conveyance was used without his knowledge or connivance. The Court will have to decide whether a vehicle seized under the NDPS Act is liable to confiscation only on conclusion of the trial.

5. (iii) The Hon'ble Madras High Court in its order passed in **Nahoorkani vs The State** on 16 June, 2023 , and **Viji vs The State on 2 November, 2023** has categorically held that the petition filed u/s 451 of CrPC and 497 of BNSS is not all maintainable when

the vehicle was seized under the NDPS Act.

5. (iv) The Hon'ble Madras High Court in its order passed in the case of **"Mariyammal Vs. 1) The Inspector of Police and another** is inclined to allow the return of property based on the Judgment of the Hon'ble Supreme Court in **Sainaba's case**. The Hon'ble Madurai Bench of Madras High Court in its order passed in the case of **“ Manikandan Vs. The State rep. by The Inspector of Police PEW – Thoothukudi Police Station, Thoothukudi District”** allowed the return of property for interim custody.

5(v) Recently the Hon'ble Supreme Court in the case of **BISHWAJIT DEY VERSUS THE STATE OF ASSAM** Citation : 2025 LiveLaw (SC) 30 has held that **NDPS Act Doesn't Bar Interim Release Of Seized Vehicle Pending Disposal of Criminal Case**.

5(vi) Recently the Hon'ble Supreme Court in the case of **Denash Vs The State of Tamil Nadu (Crl. Appeal No.8698 of 2025 (Arising out of SLP (Crl.) No(s) 8698/2025** allowed the return of property for interim custody.

5. (vii) The Respondent has registered the FIR in crime Number 57/2026 u/s 8(c) 20(b)(ii)(B), 25 of the NDPS Act, against the accused namely Moorthy and others and recovered the properties viz., Ganja weighing about 1.120 Kg, Two Wheeler.

6. In such a case, this Court is inclined to allow the present petition.

7. In the result, this petition is allowed and the TN 68 AB 7058 Hero Splendor + two wheeler in this case is ordered to be returned to the petitioner/ owner on interim custody on the following conditions:

- (i) The petitioner shall execute a bond for Rs.50,000/- (Rupees Fifty Thousand only), alongwith 2 sureties for a like sum to the satisfaction of this court.

(ii) The petitioner shall not alienate, sell, lease or encumber the vehicle in whatsoever manner until further order.

(iii) The petitioner shall produce the vehicle as and when required during trial.

(iv) Photo 4 Angles for this vehicle to be produced.

Pronounced by me in the open court on this 16th day of June'2026.

Sd/-T. Panneerselvam

Additional District and Sessions Judge/Presiding Officer
EC.& NDPS Act Cases, Pudukkottai.

Copy to

- 1) The Special Public Prosecutor for Criminal Side.
- 2) The Inspector of Police, Meensuruty P.S
- 3) Advocate for the Petitioner/3rd Party.