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CRL RC No. 1892 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 20-02-2026

PRONOUNCED ON : 24-02-2026

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL RC No. 1892 of 2025

Ramzan Beevi

... Petitioner

Vs.

State Rep By, Union Of India
Through Intelligence Officer,
Narcotic Control Bureau,
Chennai Zonal Unit,
Chennai.

... Respondent

Prayer: Criminal Revision Case filed under Section 438 r/w 442 of BNSS, to set aside the order of the learned Special Judge, II Additional Special Court for Exclusive trial of cases under NDPS Act, Chennai in CrI.MP.No.4375/2025 in C.C.No.580 of 2024 dated 28.08.2025.

For Petitioner: Mr.C.S.Saravanan
For Respondent: Mr.N.P.Kumar
Special Public Prosecutor (NCB Cases)

Order

The Criminal Revision Cases challenges the dismissal of the petitioner's application seeking return of cash of Rs.32,84,000/- seized during the course of investigation in RR No.14 of 2024.



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2. (i) It is the case of the respondent that the petitioner's husband was involved in illicit trade of 2 Kgs of Methamphetamine and the same was seized on 13.05.2023 at his house. The petitioner's husband was arrested on 14.05.2023 for the offences under Section 8(c) r/w 22(c) 28 and 29 of the NDPS Act. Thereafter, a search was conducted in his house and a cash of Rs.32,84,000/- was seized from his house.

(ii) The petitioner sought for return of the cash under Section 497 of the BNSS on the ground that the cash belonged to her and that the said cash was kept by her for marriage expenses of her daughter, which was given by her brothers and relatives; and that she needs the said cash for the marriage expenses as her daughter's marriage has now been fixed.

(iii) The learned Special Judge after hearing the respondent dismissed the said petition on the ground that huge amount was seized from the house; that the explanation offered by the petitioner and her husband that it was given by her relatives is not satisfactory; and that therefore, it is proceeds of crime and dismissed the said petition.



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3. The learned counsel for the petitioner would submit that the petitioner's brothers sold a property in March 2023; that they had received cash as sale consideration; that they had handed over the said money to the petitioner to meet out the marriage expenses of her daughter; that it is not ill-gotten money; that therefore, the respondent have no jurisdiction to retain the said cash; and that the learned Special Judge ought to have returned the same and prayed for return of the cash on any stringent conditions.

4. The learned Special Public Prosecutor (for NCB Cases) *per contra* submitted that a huge amount of cash of Rs.32,84,000/- was seized from the house of the accused Rafiq Nasar, the husband of the petitioner; that the version of the petitioner that her brothers gave the said amount as cash for her daughter's marriage expenses is highly improbable; that marriage was not fixed at the relevant point of time; and that the quantum of money and the nature of the offence committed by the petitioner's husband clearly reveals that the money in the house of the petitioner was



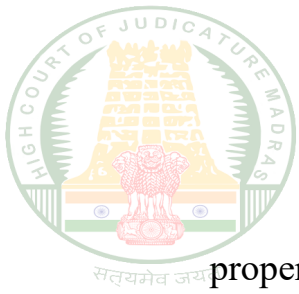
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not acquired legally and therefore it is proceeds of crime. The learned Special Public Prosecutor (for NCB Cases) also submitted that on the direction of the learned trial Judge, the money seized is invested in a fixed deposit.

5. The respondent have also filed a counter to the said effect stating that the explanation offered by the petitioner is highly improbable.

6. It is the case of the respondent that the petitioner's husband is guilty of possessing of commercial quantity of Narcotics Drugs viz., 2 kgs of Methamphetamine. The respondent after investigation have filed the complaint, which was taken on file as C.C.No.580 of 2024. The trial is pending. After the arrest, a search was conducted in the house of the petitioner and cash of Rs.32,84,000/- was seized in exercise of the power under Section 102 Cr.P.C., (Section 106 of BNSS)

7. Section 51 of the NDPS Act makes it clear that the provisions of Cr.P.C., would be applicable for arrest, search and seizure made under the Act. Section 57A of the NDPS Act, provides for report of seizure of any



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property of the person arrested to the jurisdictional competent authority within 90 days from the date of arrest or seizure.

8. It is not the case of the respondent that the cash that was seized from the house of the petitioner was stolen property. It is also not their case that it has created suspicion of commission of any offence. In fact the respondent had already known that the petitioner's husband had committed the offence. It is their specific case that the money seized from the petitioner was acquired by dealing with Narcotic Drugs and therefore, it is liable to be confiscated at the end of the trial.

9. Strangely, though an order under Section 68-F (1) of the NDPS Act in respect of freezing certain immovable properties belonging to the petitioner and her husband was passed on 02.04.2024, no such order has been passed in respect of the cash seized from the petitioner. The procedure therefore adopted by the respondent in seizing the money and keeping it in Fixed Deposit is not in accordance with law. It is not their case that the cash is required to prove the offence against the petitioner's husband. As stated above, it is their specific case that the cash was



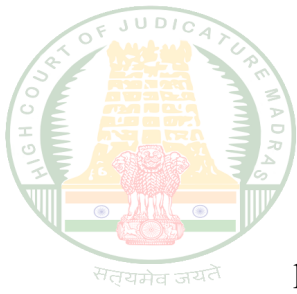
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illegally acquired money. The respondent therefore ought to have resorted to Section 68-F of the NDPS Act. They have not done so in this case for nearly three years.

10. However, this Court at this stage is not inclined to return the cash to the petitioner as this Court is of the view that the explanation offered by the petitioner for acquiring the huge cash cannot be accepted at face value, as according to the petitioner, she had obtained this cash in the year 2023 itself when the marriage was not fixed for her daughter. The said explanation has to be necessarily adjudicated by the competent authorities. The procedure adopted by the respondents is not in accordance with law. Hence, this Court is inclined to grant one more opportunity to the respondent to adhere to the provisions of Section 68-F of the NDPS Act, if the conditions stipulated therein are satisfied.

11. Accordingly, in order to secure the ends of justice, this Court is inclined to pass the following orders.

(i) The respondent is granted three weeks time to invoke Section 68 F of the NDPS Act in respect of the cash seized from the petitioner's house, after which, it is open to the petitioner to



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prove that the cash was not proceeds of crime and it is for the authorities concerned thereafter, to act in accordance with law;

(ii) if the respondent fails to invoke Section 68-F of the Act, within the above stipulated period, the said cash shall be returned to the petitioner on the following conditions;

(a) on her executing a bond for Rs.20 Lakhs with two sureties for the likesum to the satisfaction of the learned Special Judge, II Additional Special Court for Exclusive trial of cases under NDPS Act, Chennai.

(b) The petitioner shall file an affidavit of undertaking before the Special Court to return the cash as and when required by the Special Court.

12. The Revision is disposed of accordingly.

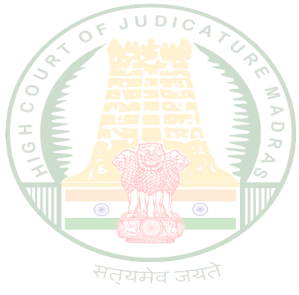
24-02-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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To

1. The Special Judge,
II Additional Special Court for Exclusive trial
of cases under NDPS Act,
Chennai.



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2. The Intelligence Officer,
Union of India,
Narcotic Control Bureau,
Chennai Zonal Unit,
Chennai.

3. The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN J.

ars/Tsg

**Pre-delivery order in
CRL RC No. 1892 of 2025**

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