



WEB COPY

CRL OP No. 11026 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-06-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

**CRL OP No. 11026 of 2026
and CRL MP No.7793 of 2026**

Lijo PC
S/o.Chaco PJ,
4/398, Panthakappu,
Pattavayal,
Gudalur,
The Nilgiris,
Tamilnadu-643 204.

..Petitioner(s)

Vs

The State rep.by,
Sub-Inspector of Police,
PEW-Gobi Police Station,
Erode District-638 452.
Cr.No.175 of 2025.

..Respondent(s)

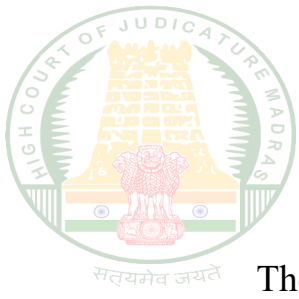
Criminal Original Petition is filed under Section 528 BNSS to call for records of the proceedings in CC.No.159 of 2025 on the file of the Court of Judicial Magistrate, Sathyamangalam and quash the same and pass such further or other orders as it may deem fit and proper in light of the facts and circumstances of the case.

For Petitioner :

Mr.I.Arunkumar

For Respondent:

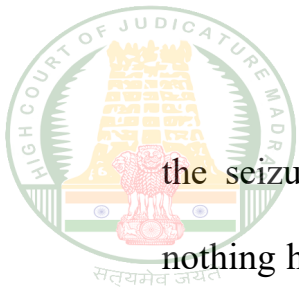
Mr.R.Rajasekaran
Counsel for Govt. of Tamil Nadu
(Criminal Side)

**ORDER**

The petitioner / accused facing trial in C.C.No.159 of 2025 for the offence under Section 4(1)(C) of The Tamil Nadu Prohibition (Amendment) Act, 2024, had filed this quash petition.

2. The case against the petitioner is that on 10.05.2025, the respondent / police had intercepted the vehicle of the petitioner at Hasanur Check Post and found that the petitioner was in possession of 3 tins of 500 ml Kingfisher Strong Premium Beer, which was being transported from the State of Karnataka.

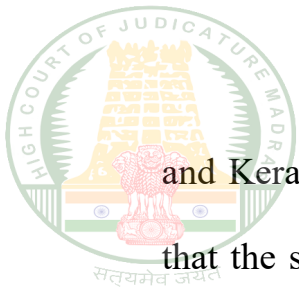
3. The contention of the petitioner is that the petitioner is an Insurance Agent who hails from Gudalur, Nilgiris, and he was travelling from Kerala to Coimbatore along with his family to attend a house warming function at Suler, Coimbatore. When he was nearing Hasanur Check Post, the vehicle of the petitioner was intercepted by the respondent police and 3 tins of 500 ml Kingfisher Strong Premium Beer was found in his vehicle. The learned counsel for the petitioner submitted that only for personal consumption, he had three tins of beer which has been projected as though he was smuggling the liquor for sale. Further, though the seizure was made in a public place, no public witness was examined. After filing of the charge sheet, the prosecution listed only three witness, all of whom are police personnel. L.W.1 and L.W.2 are the witness to



the seizure and L.W.3 in the Investigating Officer. In the seizure Mahazar, nothing has been stated regarding any distinct mark to show that the liquor was originated from the State of Karnataka. He further submitted that though the seizure is said to have taken on 10.05.2025, the same has been produced before the learned Judicial Magistrate, Sathyamangalam only on 11.08.2025. Hence, filed this quash petition.

4. The learned Counsel for Government of Tamil Nadu (Criminal Side) submitted that the respondent police intercepted the petitioner's vehicle at Hasanur Check Post and found 3 tins of 500 ml Kingfisher Strong Premium Beer in his vehicle. When questioned, the petitioner was unable to give proper explanation for his possession of the liquors and on the other hand, he confessed that he was smuggling the liquor for sale. Hence, a case has been registered. Since no public had come forward to be a witness, the seizure was made in the presence of police personnel. He submitted that the seizure memo was produced before the learned Judicial Magistrate on 11.08.2025.

5. Considering the submission and upon perusal of the materials, it is seen that the petitioner is residing at Gudalur, Nilgiris which is a bordering District to the State of Karnataka and the State of Kerala and was found in possession of 3 tins of 500 ml Kingfisher Strong Premium Beer, a product of State of Karnataka. The petitioner is an insurance agent and used to travel to Karnataka



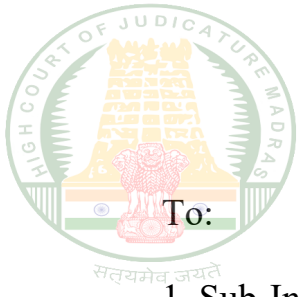
and Kerala for his business. Though it has been stated in the Seizure Mahazar that the said liquor had originated from State of Karnataka, no proof has been produced to substantiate the same. Further, the petitioner had travelled along with his family from Kerala to Coimbatore and the liquor is only for his personal consumption and not for any illicit trade. The petitioner has got no bad antecedents. No public witness has been examined and there is no concrete proof to show that the three tins of beer, which together contains 1.5 litre of liquor, cannot, by itself, give rise to an inference that the petitioner was engaged in illicit trade. In view of the same, this Court is inclined to quash the proceedings against the petitioner.

6. Accordingly, this Criminal Original Petition is allowed and the proceedings in C.C.No.159 of 2025 on the file of the learned Judicial Magistrate, Sathyamangalam, Erode, is hereby quashed. Connected miscellaneous petition is closed.

08-06-2026

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

BKN



To:

1. Sub-Inspector of Police,
PEW-Gobi Police Station,
Erode District-638 452.
Cr.No.175 of 2025.

2. Judicial Magistrate, Sathyamangalam, Erode

3. Public Prosecutor, Madras High Court.



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M.NIRMAL KUMAR, J.

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