



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P (MD)No.20854 of 2021

Aravindh

... Petitioner / Accused

Vs

The State rep. by
The Sub Inspector of Police,
Villor Police Station,
kalligudi Taluk,
Madurai District.

... Respondent

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to call for the records relating to FIR bearing Crime no.1227 of 2020 on the file of the respondent police dated 10.08.2020 under Section 4(1)(a) of Tamil Nadu Prohibition Act, 1937 and quash the same.

For Petitioner : Mr.V.Baskaran
For Respondent : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

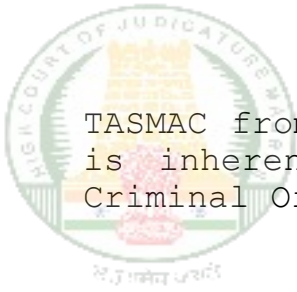
ORDER

Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent.

2. The petitioner is figuring as an accused in Crime No.1227 of 2020 registered on the file of the respondent for the offence under Section 4(1)(a) of Tamilnadu Prohibition Act.

3. The case of the prosecution is that on 10.08.2020 at about 08.00 pm., the petitioner was found in possession of 16 brandy bottles and one beer bottle each containing 180 ml of liquor. The total quantity possessed by the petitioner is 2.8 litres of brandy and 650 ml of beer.

4. I do not want to go into the factual controversy. Suffice it to say that the quantity possessed by the petitioner is well within the permissible limits. The respondent police would claim that the petitioner was keeping the same for selling it to private. One can take judicial notice of the fact that the Government itself has opened TASMAC outlets all over the State for vending liquor. Not even a fool would buy what is available in



TASMAC from a private party. The case projected by the prosecution is inherently improbable and absurd. It stands quashed. This Criminal Original Petition is allowed.

Sd/-

Assistant Registrar (AE)

WEB COPY

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Sub Inspector of Police,
Villor Police Station,
kalligudi Taluk,
Madurai District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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MGJ(10.01.2022) 2P 3C