



CrI.O.P.(MD) No.15640 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 15.09.2022

CORAM:

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CrI.O.P.(MD) No.15640 of 2022

and

CrI.M.P(MD)No.10299 of 2022

Manikandan

..Petitioner

Vs.

1. The Inspector of Police

Prohibition Enforcement Wing Police Station

Madurai City

Crime No.900 of 2021

2. R.A.Venkateswaran

Special Sub Inspector of Police

Prohibition Enforcement Wing Police Station

Madurai City

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the relating to the First Information Report in Crime No.900 of 2021 on the file of the first Respondent and quash the same as against the petitioner concerned.

For Petitioner : Mr.P.Praveen Kumar

For Respondents : Mr.B.Nambi Selvam

Additional Public Prosecutor



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ORDER

This petition has been filed to quash the First Information Report in Crime No.900 of 2021 on the file of the first Respondent.

2. The case of the prosecution is that the Petitioner was found in illegal possession of 8 bottle of law Mortin Brandy each containing 180ml, hence the Respondent police has registered a case against the Petitioner.

3. Seeking quashment of the same, this petition is filed mainly on the ground that as per GO Ms.No.14, dated 09/06/2017, an individual is permitted to possess 4.5 litres of liquor. So according to the Petitioner, he was found in possession of 900 ml liquor, which is well within the permitted limit as prescribed in the above said G.O.

4. The learned Additional Public Prosecutor objected to quash the proceedings stating that 900 ml of liquor is involved in this case.



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5.A short point, which arises for consideration is whether the possession of 900 ml liquor, comes within the permissible limit, as set out in GO.Ms.No.14, dated 09/06/2017.

6.Section 4(1)(a) of Tamil Nadu Prohibition Act reads as follows:

4.Prohibition of the manufacture of, traffic in, and consumption of liquor and intoxicating drugs(1)Whoever?(a) Imports, exports, transports or possesses liquor or any intoxicating drug.

Provided that nothing contained in this sub~section shall apply.

(i)...

(ii)...

(iii)to the transport or possession for personal consumption the prescribed quantity of any liquor specified by the State Government under sub~clause (I) of clause (j).]

7.From the perusal of the above section, it is seen that if the possession of liquor comes within the permissible limit, then no case can



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be registered. So, as per the GO Ms.No.14, the permissible limit is 4.5 litres of Indian made foreign liquor per person. Further the on the same set of facts on earlier occasion the learned Single Judge of this Court had allowed the petition vide order dated 29.03.222 in Crl.O.P(MD) No. 8460 of 2022.

8.In the light of the order passed by the learned Single Judge of this Court, this criminal original petition is allowed and the impugned proceedings in First Information Report in Crime No.900 of 2021 on the file of the first Respondent is hereby quashed. Consequently, connected Miscellaneous Petition is closed

15.09.2022

Internet:Yes
Index:Yes/No
Speaking/Non speaking order
aav
To

1. The Inspector of Police
Prohibition Enforcement wing Police Station
Madurai City
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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SATHI KUMAR SUKUMARA KURUP, J.

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