



Crl.O.P.(MD)No.18765 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.18765 of 2024

and

Crl.M.P.(MD)No.11636 of 2024

N.Venugopal

... Petitioner

Vs.

1.State rep., by
The Inspector of Police,
Gandhi Market Police Station,
Trichy City.
Crime No.570/2021

2.Karunakaran

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records relating to the impugned Crime No.570 of 2021 on the file of the first respondent police and quash the same as illegal.

For Petitioner : Mr.S.Krishnan

For R-1 : Mr.A.Thiruvadikumar
Additional Public Prosecutor



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ORDER

The petitioner (A1) filed this quash application seeking to quash the F.I.R. in Crime No.570 of 2021, for the offences under Sections 4(1) (a) of the Tamil Nadu Prohibition Act.

2. The case against the petitioner is that on 09.09.2021, when the Sub-Inspector of Police, along with his team, were in patrolling duty, on the secret information, they went to Annamalai Petrol bunk near Thanjavur Road and intercepted one Venugopal/petitioner herein and found that the said Venugopal was in possession of 180 ml of Zingaru Beer bottled, 180 ml of Seabreeze bottles and on enquiry, it is stated that the same bought to sell in black market and thereby, the petitioner creates loss to the Government. As a result, the petitioner was arrested, and the liquor bottles were seized and produced as case properties in this matter.

3. The learned counsel for the petitioner contended that the petitioner did not involve in any offence as mentioned in the FIR. The petitioner went to attend his cousin brother's marriage, which was held



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on 09.09.2021. On the previous night of marriage, the petitioner and his cousin brother arranged party for their friends in the marriage hall. For that purpose only, the petitioner brought the liquor bottle from his cousin brother's house to marriage hall. At that time, the police waylaid the petitioner. Even the petitioner explained the same, but the first respondent police taken away the liquor bottles from the petitioner. The petitioner was not aware the registration of the case against him. When he applied passport only, he came to know that FIR in Crime No.570 of 2022 was registered against him. He further submitted that, even if the respondent's contentions were accepted as true, no offence is made out. According to the Tamil Nadu Liquor (Possession for Personal Consumption) Rules, 1996, an individual is permitted to possess up to 4.5 liters of Indian Made Foreign Spirits, 4.5 liters of imported foreign liquor, 7.8 liters of beer, and 9 liters of wine. The seized liquor, therefore, is well within the legal possession limit. In light of this, the petitioner prayed for the quashing of the F.I.R.

4. Further, in support of his contention, the petitioner has relied on the order passed by this Court in **Crl.O.P.No.13819 of 2024**, dated



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03.07.2024, [Praveen Kumar vs. State, Rep. by the Inspector of Police, Pennagaram Police Station, Dharmapuri and another], wherein the F.I.R. was quashed on the same grounds.

5. The learned Additional Public Prosecutor for the respondent submitted that the petitioner's claim of personal consumption cannot be accepted, as 8 bottles of 180 ml each were seized. It is highly unlikely that any individual would carry such a large quantity of bottles for personal consumption. He also fairly submitted that, as per G.O.Ms.No. 14, Home, Prohibition and Excise (VI) Department, dated 09.06.2017, an individual is entitled to possess 4.5 litres of Indian Made Foreign Spirits, 4.5 litres of imported foreign liquor, 7.8 litres of beer, and 9 litres of wine.

6. Considering the submissions and on perusal of the materials, it is seen that the petitioner's possession is within permissible limit as per G.O.Ms.No.14, Home, Prohibition and Excise (VI) Department, dated 09.06.2017. In view of the same, this Court finds that continuation of prosecution against the petitioner is not permissible. Hence, the



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proceedings against the petitioner in Crime No.570 of 2021, on the file of the respondent Police, stands quashed.

7. Accordingly, this Criminal Original Petition is allowed.

Consequently, connected Miscellaneous Petition is closed.

04.11.2024

NCC : Yes / No

Index : Yes / No

Rmk

To

1.The Inspector of Police,
Gandhi Market Police Station,
Trichy City.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

Rmk

Order made in
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Dated: 04.11.2024