



Crl.O.P.(MD)No.875 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.875 of 2025

Sathishkumar

.. Petitioner

Vs.

1. The Deputy Superintendent of Police
Prohibition Enforcement Wing
Thoothukudi District

2. The Inspector of Police
Muthiahpuram Police Station
Thoothukudi District

.. Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to set aside the docket order passed by the learned Judicial Magistrate No.II, Thoothukudi in unnumbered Crl.M.P.No.,... of 2025 filed by the petitioner and consequently issue a direction to the respondents to return the vehicle bearing. Reg.No. TN 69 BS 7897 in the style of Honda Dio seized on 25.12.2024 by the second respondent in connection with the Crime No.477 of 2024 pending before the second respondent police station.

For Petitioner	: Mr.S.Vishnuvardhan
For Respondents	: Mr.A.Thiruvadi Kumar
No.1 & 2	Additional Public Prosecutor



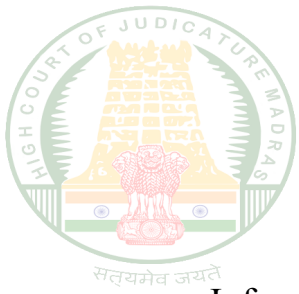
Crl.O.P.(MD)No.875 of 2025

ORDER

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This Criminal Original Petition has been filed to set aside the docket order passed by the learned Judicial Magistrate No.II, Thoothukudi in unnumbered Crl.M.P.No.,... of 2025 filed by the petitioner and consequently issue a direction to the respondents to return the vehicle bearing. Reg.No. TN 69 BS 7897 in the style of Honda Dio seized on 25.12.2024 by the second respondent in connection with the Crime No.477 of 2024 pending before the second respondent police station.

2. The contention of the petitioner is that the Honda Dio two wheeler bearing Reg.No. TN 69 BS 7897 was seized by the second respondent in connection with Crime No. 477 of 2024 for the offences under Sections 4(1)(C) and 14(A) of TNP Act from one Ponkarpakaraj. The case is that on 25.12.2024 when the respondent police went for rais they found the accused standing with a two wheeler bearing Reg. No. TN 69 BS 7897 when he was questioned he admitted that he had purchased 13 Black Pearl Brandy bottles each containing 180 ml from the tasmac shop and kept in a bag to sell it for higher price at early hours when the shop is closed. Thereafter the bottles were seized and the case has been registered.



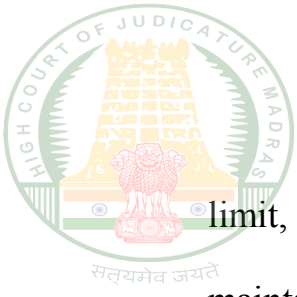
Crl.O.P.(MD)No.875 of 2025

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3. The further contention of the petitioner is that though the First Information Report has been registered on 25.12.2024 it had not reached the Court, when the petitioner filed a petition for return of property before the learned Judicial Magistrate No.II, Thoothukudi on 31.12.2024. Hence he had produced the returned petition with the prayer to consider the petitioner's application and to return the two wheeler.

4. The learned Additional Public Prosecutor submitted that the respondent police who had instructed him stated that after one week of seizure of vehicle the First Information Report is sent to the court but he is unable to give the exact date..

5. The learned counsel appearing for the petitioner submitted that the petitioner is not an accused. He had filed a return of property petition. Further as per the Tamil Nadu Liquor(Possession for Personal Consumption) Rules,1996 in G.O.Ms.No.75,P&E, dated 16th April 1996 and amended vide G.O.(MS) No.14 H.P.EVI Department dated 09.06.2017, the prescribed limit for Indian made Foreign spirit is 4.5 litres but in this case the petitioner was found in possession of only 2.6 litres of liquor. Therefore the petitioner is only having less quantity of prescribed



Crl.O.P.(MD)No.875 of 2025

limit, hence the registration of the First Information Report itself is not maintainable.

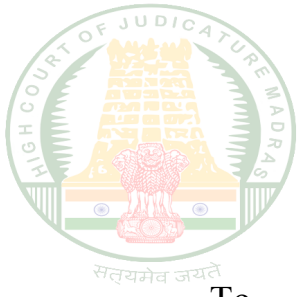
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6. Taking into consideration the fact that the petitioner was found in possession only 2.6 litres of liquor which is less than the prescribed limit , the First Information Report in Crime No.477 of 2024 is hereby quashed and the second respondent police is hereby directed to hand over the two wheeler bearing Reg.No.TN 69 BS 7897 to the petitioner forthwith.

7. With the above direction this Criminal Original Petition stands disposed of.

21.01.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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Crl.O.P.(MD)No.875 of 2025

To
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1. The Deputy Superintendent of Police
Prohibition Enforcement Wing
Thoothukudi District
2. The Inspector of Police
Muthiahpuram Police Station
Thoothukudi District
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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CrI.O.P.(MD)No.875 of 2025

M.NIRMAL KUMAR,J.

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CrI.O.P.(MD)No.875 of 2025

21.01.2025