



CrI.O.P.(MD)No.9479 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.06.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CrI.O.P.(MD)No.9479 of 2025

and

CrI.M.P.(MD)Nos.6929 & 6931 of 2025

B.Kannan

... Petitioner

Vs.

1.The Inspector of Police,
Thondi Police Station,
Ramanathapuram District.

2.L.Ram Kumar

... Respondents

Prayer : Criminal Original Petition filed under Section 528 BNSS, to call for the records relating to the case in C.C.No.83 of 2024 pending before the learned Judicial Magistrate Court, Thiruvadanai, Ramanathapuram District in Crime No.190 of 2024 on the file of the respondent Police and quash all the further proceedings as against the petitioner.

For Petitioner

: Mr.K.Ramanathan

For R1

: Mr.A.S.Abul Kalaam Azad,
Government Advocate(CrI.side)



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ORDER

The petitioner, who is the sole accused in C.C.No.83 of 2024 pending before the learned Judicial Magistrate, Thiruvadanai, Ramanathapuram District, has filed the present petition to quash the said proceedings.

2.The case of the prosecution is that on 17.09.2024, the petitioner was in illegal possession of 5 black pearl brandy bottle (each 180 ml), with an intention to sell for higher price. Therefore, a case in Cr.No.190 of 2024 came to be registered for the offence under Section 4(1)(C) of the Tamil Nadu Prohibition Act. After completion of investigation, the first respondent filed the final report, which was taken on file in C.C.No. 83 of 2024 by the learned Judicial Magistrate, Thiruvadanai, Ramanathapuram District.

3.The learned counsel appearing for the petitioner by referring G.O.Ms.No.75, P&E, dated 19.04.1996 submits that an individual can carry 4.5 liters of Indian made Foreign spirits for his personal use and in this case, the petitioner was found in possession of 900ml of liquor for



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his own consumption. He has also relied upon a decision of this Court in

Crl.O.P.(MD)No.22598 of 2024 dated 20.01.2025 wherein by following

the said Government Order, a criminal case registered against the accused, who was in possession of 6 bottles of 180ml, came to be quashed by this Court.

4.The learned Government Advocate(Crl.side) appearing for the first respondent submits that the petitioner does not posses liquor bottle for his own consumption and he possessed the same for selling. Further, he submits that the petitioner herein is a habitual offender and he has involved in 24 other similar cases.

5.This Court has considered the submissions made on either side and perused the materials available in records.

6.The petitioner admits that he was in possession of five bottles of 180ml liquor. According to the learned counsel for the petitioner, the petitioner carried the liquor bottle for his own consumption and therefore, as per G.O.Ms.No.75 P&E, dated 19.04.1996, it is not an offence. However, the petitioner was involved in 24 previous cases,



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which are similar in nature. Considering the antecedents of the petitioner

and also admission of the petitioner that he was in possession of 5 bottles

of 180ml liquor, this Court is not inclined to quash the proceedings.

Accordingly, this criminal original petition is dismissed with liberty to

raise all the grounds, which are raised in this petition, before the trial

Court. Consequently, connected miscellaneous petitions are closed.

10.06.2025

NCC : Yes/No

Index : Yes/No

Internet: Yes

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To

- 1.The Judicial Magistrate Court,
Thiruvadanai,
Ramanathapuram District.
- 2.The Inspector of Police,
Thondi Police Station,
Ramanathapuram District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI,J

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