



Crl.O.P. No. 2777 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2026

CORAM

THE HONOURABLE MR. JUSTICE M. NIRMAL KUMAR

Crl.O.P. No. 2777 of 2026

&

Crl.M.P. No. 1893 of 2026

1. J. Rajesh Kumar
2. Tamilarasan @ Gokul

..Petitioners

Vs.

1. State of Tamil Nadu,
The Inspector of Police,
PEW Gummidipoondi Police Station,
Thiruvallur District,
Crime No. 96 of 2025.

2. Mr. Selvaraj

..Respondents

Prayer: Criminal Original Petition filed under Section 523 of BNSS to call for the records in connection with the FIR in Crime No. 96 of 2025 on the file of Inspector of Police, PEW Gummidipoondi Police Station, Thiruvallur



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District and quash the FIR pending against the petitioner.

For Petitioners :: Mr.S. Silambuselvan

For Respondents :: Mr.Hasan Mohammed Jinnah,
Public Prosecutor assisted by
Mr.Leonard Arul Joseph Selvam
Addl. Public Prosecutor for R1

O R D E R

The petitioners/accused in Crime No. 96 of 2025 registered for the offence under Sections 4(1)(A) of Tamil Nadu Prohibition (Amendment) Act, 2024 have filed the present quash application.

2. The case against the petitioners is that when the 2nd respondent was on a regular patrolling duty on 07.05.2025, at about 8a.m. near Elavur Check Post, a Swift Dezire Sedan Car bearing Registration No. TN 18 BU 5125, coming on the main road was stopped and the driver (2nd petitioner herein) and the occupant of the car (owner/1st petitioner herein) were enquired. Thereafter, the vehicle was searched and during the search, in the car dicky, 19 brandy bottles, each consisting 180 ml of brandy were found. The occupants of the car, namely, the petitioners herein gave



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contradictory answers when they were questioned and finally, they gave their name and address. Further, it was found that the seals of some of the liquor bottles had been removed and when the said bottles were opened, a pungent smell emanated creating a doubt that for the purpose of higher dose of intoxication, substances injurious to health might have been added. Besides, the labels on the IMFL bottles showed that they were from the State of Andhra Pradesh. Hence, the 19 bottles were seized and the petitioners were arrested.

3. The contention of the learned counsel for the petitioners is that the liquor bottles that were seized from the petitioners were meant for personal consumption; that the total quantity of liquor in the 19 bottles seized, each said to be consisting of 180 ml, is 3.4 litres, which is very much less than the stipulated quantity of 4.5 litres that can be carried for personal consumption as per G.O.Ms. No. 14 Home, Prohibition and Excise (VI) Department dated 09.06.2017. As per the said G.O., an individual in the State of Tamil Nadu can carry a maximum of 4.5 litres of Indian Made



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Foreign Spirits/Imported Foreign Liquor lawfully for his personal use. The only condition is that it should be within the permissible limit. According to the learned counsel for the petitioners, the total quantity of liquor in the 19 bottles seized from the petitioners is well within the permissible limits and therefore, no case is made out. Hence, prayed for quashing the FIR.

4(i) Learned Public Prosecutor appearing on behalf of the 1st respondent strongly opposed the contentions of the petitioners and submitted that the petitioners were arrested near Elavur Check Post, which is near Gummidipoondi, Tiruvallur District along Chennai-Tada Road adjacent to the State of Andhra Pradesh. The petitioners were found to be coming from the State of Andhra Pradesh and crossing the check post. When their vehicle was searched, 19 brandy bottles named, “Brandy 99 Indian Brandy” were seized. He further submitted that this brand is not sold in the State of Tamil Nadu and it is available only in Andhra Pradesh, which confirms the fact that this liquor brand is not manufactured or sold in the State of Tamil Nadu. He further referred to clause(i) of sub-section (1) of Section 4 of Tamil Nadu



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Prohibition Act, 1937 and submitted that the offence includes selling liquor or any intoxicating drug and the 19 bottles of liquor seized were only for the purpose of selling and not for personal consumption. He further referred to sub-clause (i) of clause (j) of sub-section (1) of Section 4 of the aforesaid Act and submitted that the State Government, by notification, has been specifying liquors and the quantity, which are permissible and can be used and other than what is specified in the notification, is prohibited. As far as the instant case is concerned, 19 brandy bottles named, “Brandy 99 Indian Brandy” do not come under any notification of the State Government. He also drew the attention of this Court to the following clarification issued by the Government by letter dated 24.11.2025 in this regard:

“3. In this connection, I am to communicate the following clarification:

“According to Rule 2 of Tamil Nadu Liquor (Possession and Personal Consumption) Rules, 1996 read with ‘sub-clause (i) of clause (j) of sub-section (1) of Section 4 Tamil Nadu Prohibition Act’ 1937, it shall be applicable for



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the IMFS, IFL, Beer and Wine brands sold by TASMAC Retail Vending Shops, FL2 to FL 10 Licensed Premises (including liquor sold by Canteen Store Department of Defence Ministry and IFL imported by way of duly approved import permits) alone, since these category of liquors are alone specified by the State Government, by notification/ brand introduction G.O.s/import permits. Hence, possession of other State liquors and any such liquors not specified by the State Government by notification/ brand introduction G.O.s/import permits upto a maximum ceiling of 4.5 litres of IMFS/IFL, 7.8 Litres of Beer or 9.0 litres of Wine for personal consumption or sales is an offence under Sec. 4(1)(C) and 14 of Tamil Nadu Prohibition Act, 1937.”

4(ii) Apart from the above, learned Public Prosecutor further submitted that the respondent Police, on opening the bottles, found that a pungent smell emanated creating a suspicion that the brandy bottles might contain added ingredients for higher dose of intoxication. Hence, the samples have been sent to Forensic Laboratory and only after getting the report from the Lab, it can be ascertained whether any intoxicant/prohibited



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substance has been added. In such an event, the punishment would be severe in nature. Hence, at this stage, the petitioners' contentions cannot be considered.

5. Considered the submissions and perused the materials on record.

6. It is seen that the learned Public Prosecutor had raised important valid points and submitted that there are notifications prohibiting sale of liquor and the permissible limit stipulated by such notifications pertain only to personal consumption. Added to it, the category of liquor specified by such notification is applicable to products from the State of Tamil Nadu and not to those sourced from other States.

7. For all the reasons stated above, this Court is not inclined to entertain the criminal original petition and it is accordingly dismissed. Connected miscellaneous petition is closed.

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M. NIRMAL KUMAR,J.

nv

To

1. The Inspector of Police,
PEW Gummidipoondi Police Station,
Thiruvallur District.
2. The Public Prosecutor, High court,
Madras.

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