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CRL OP No. 8815 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-04-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 8815 of 2026

Vallarasu
S/o. Ayyadurai,
2/155, Nadu Street,
Veppur Taluk, Kattumylore,
Cuddalore District - 606 304.

..Petitioner(s)

Vs

State Rep.by, The Sub Inspector of Police,
Prohibition Enforcement Wing,
Cuddalore. Cr.No.7 of 2025.

..Respondent(s)

PRAYER: The criminal original petition filed under Section 528 BNSS, to call for the entire records pertaining to the Impugned proceedings in CC.No.1070 of 2025 on the file of the learned Judicial Magistrate -II(FAC) Cuddalore, quash the same and pass such further or other orders.

For Petitioner(s): Mr.M.Balaji

For Respondent(s): Mr.LEONARD ARUL JOSEPH SELVAM
ADDITIONAL PUBLIC PROSECUTOR

ORDER

This Criminal Original Petition has been filed to call for the entire records pertaining to the Impugned proceedings in CC.No.1070 of 2025 on the file of the learned Judicial Magistrate -II(FAC) Cuddalore, quash the same.



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2.The case of the prosecution is that On 05.01.2025 at about 16.00 hours, near All pettah Check Post, within Tamil Nadu State Limits, the petitioner was found carrying Napoleon Brandy (750 ml) – 1 bottle, Old Monk Rum (750 ml) – 1 bottle and Old Monk Rum (180 ml) – 1 bottle allegedly Puducherry State liquor said to be banned in Tamil Nadu, in a black plastic cover for the purpose of sale. The respondent police registered a case in crime No.7 of 2025 against the petitioner under Section 4(1)(c) and 4(1-A) of the Tamil Nadu Prohibition Act (Amendment), and a final report has been filed, which was taken on file in C.C.No.1070 of 2025 by the learned Judicial Magistrate – II (FAC), Cuddalore. All listed witnesses are police officials. No independent witness has been cited.

3.The learned counsel for the petitioner submitted that the FIR does not attract ingredients of any offence under the Tamil Nadu Prohibition Act, 1937 and the offence under the Indian Penal Code. The allegations made in the FIR are so absurd and inherently improbable, on the basis of which no person can be prosecuted. The learned counsel further submitted that as per G.O.Ms.No.14, H.P & EVI Department, Dated 09.06.2017, a person can carry maximum of 4.5 of Indian Made Foreign Spirits lawfully for personal use, but in the present case, the petitioner was found in possession of 1.68 litres of liquor. According to the petitioner, he comes under the exceptional category and hence, no offence



is made out against him and he prays for quashing of FIR. The learned counsel for the petitioner relied upon the Tamil Nadu Liquor (Possession for Personal Consumption) Rules, 1996 (G.O.Ms.No.75, P & E, dated 19.04.1996).

4.The learned Additional Public Prosecutor appearing on behalf of the respondent Police submitted that the petitioner was illegally selling the liquor bottles to the public. On the receipt of the complaint, the respondent Police reached the scene, seized the liquor bottles by way of Seizure Mahazar and arrested the petitioner. He further submitted the investigation is almost in the verge of completion and has strongly objected to quash the case against the petitioner.

5.Considering the facts and circumstances of the case and also taking notice of the Tamil Nadu Liquor (Possession for Personal Consumption) Rules, 1996, (G.O.Ms.No.75, P & E, dated 19.04.1996, relied upon by the learned counsel for the petitioner, it is revealed that an individual can carry 4.5 litres of Indian made Foreign spirits for his personal use. Here, in the present case, the petitioner was in possession of Napoleon Brandy (750 ml) – 1 bottle, Old Monk Rum (750 ml) – 1 bottle and Old Monk rum (180 ml) – 1 bottle, in total 1.68 litres. For better appreciation, the relevant portion of the said Government Order is extracted hereunder:-

“2.Possession of liquor for personal consumption:- No



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person shall possess the liquor mentioned in column (1) of the Table below, which have already been specified under Sub-clause (i) of clause (j) of sub-section (i) of Section 4 of Tamil Nadu Prohibition Act, 1937 (Tamil Nadu Act X of 1937), for personal consumption, in excess of the quantity specified in the corresponding entries in column (2) thereof

S.No.	Liquor	Quantity (in Litres)
1	Indian Made Foreign Spirits	4.5
2	Foreign Liquor	4.5
3	Beer	7.8
4	Wine	9.0

6.In view of the above, this Criminal Original Petition is allowed and the C.C.No.1070 of 2025 on the file Learned Judicial Magistrate – II (FAC), Cuddalore, is hereby quashed.

08-04-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
sms
To
The Sub Inspector of Police,
Prohibition Enforcement Wing,
Cuddalore. Cr.No.7 of 2025.



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M.NIRMAL KUMAR, J.

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