



WEB COPY

CRL OP No. 8475 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.04.2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 8475 of 2026 & CrI.M.P.No.6033 of 2026

Vishnu

..Petitioner(s)

Vs

The State Rep by The Sub-Inspector of Police
PEW-Gobi Police Station,
Erode District 638 452.
(Cr.No.192 of 2025)

..Respondent(s)

Criminal Original Petition is filed under Section 528 of B.N.S.S., to call for records of the proceedings in C.C.No.236 of 2025 on the file of the Judicial Magistrate Court, Sathyamangalam and quash the same.

For Petitioner(s):

Mr.I Arunkumar

For Respondent(s):

Mr.Leonard Arul Joseph Selvam,
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.236 of 2025 pending on the file of the Judicial Magistrate Court, Sathyamangalam.



2. The case of the prosecution is that on 22.05.2025, while the petitioner was returning from Bangalore with his office colleague in his bike, he was intercepted by the respondent police near Hasanur Check Post. The respondent police alleged that the petitioner was in possession of 1000 ml of Bejoy's VSOP Indian Brandy and 275 ml of Bacardi Orange 02, totalling 1.275 litres. Hence, the respondent lodged a complaint and a case in Crime No.192 of 2025 was registered against the petitioner for the offence under Sections 4(1)(c) of the Tamil Nadu Prohibition (Amendment) Act, 2024. After completion of investigation, the final report was filed before the Judicial Magistrate, Sathyamangalam and the same was taken cognizance in C.C.No.236 of 2025.

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. 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 the Tamil Nadu Liquor (Possession for Personal Consumption) Rules, 1996, a person can carry maximum of 7.8 litres of beer lawfully for personal use, but in the present case, the petitioner was found only in possession of 1.275 litres of beer. According to the petitioner, he comes under the exempted 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) and also relied on the judgment of this Court in R.Kandasamy Vs. The State and another (Crl.O.P.No.11967 of 2021).

4. The learned Additional Public Prosecutor appearing on behalf of the respondent Police fairly submitted that the petitioner was found in possession of 1000 ml of Bejoy's VSOP Indian Brandy and 275 ml of Bacardi Orange 02, totalling 1.275 litres and that the permissible limit is 7.8 litres as per the Tamil Nadu Liquor (Possession for Personal Consumption) Rules, 1996. When the petitioner was intercepted and enquired, he admitted that he had carried 1.275 litres of brandy only for his personal use. He also submitted that there are no bad antecedents against the petitioner and that there is no similar case against him.

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 7.8 litres of beer for his personal use. Here, in the present case, the petitioner was in possession of 1.275 litre of Bejoy's VSOP Indian Brandy. For better appreciation, the relevant portion of the said Government Order is extracted



hereunder:-

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

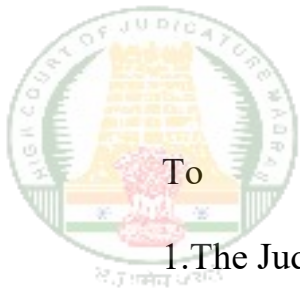
S.No.	Liquor	Quantity (in Litres)
1	Indian Made Foreign Spirits	4.5
2	Foreign Liquor	4.5
3	Beer	7.8
4	Wine	9.0

6. In view of the above, this Criminal Original Petition is allowed and the proceedings in C.C.No.236 of 2025 on the file of the Judicial Magistrate, Sathyamangalam, is hereby quashed. Consequently, the connected Criminal Miscellaneous Petition is closed.

06.04.2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

vrc



To

1. The Judicial Magistrate, Sathyamangalam.

2. The Sub-Inspector of Police
PEW-Gobi Police Station,
Erode District 638 452.

3. The Public Prosecutor, High Court of Madras.



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M.NIRMAL KUMAR, J.

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