



CRL.O.P.No.11044 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 11.06.2026

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.11044 of 2026 and
CrI.M.P.No.7812 of 2026

Venkatesan, M/39,
S/o.Mohan,
No.1/90,
Kamarajar Street, Thandalam Krishnapuram,
Katpadi Taluk,
Vellore-632 006.

... Petitioner

vs.

The State,
Rep. by Sub Inspector of Police,
Virudampet Police Station,
Vellore.

... Respondent

PRAYER: Criminal Original Petitions filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to quash the proceedings in C.C.No.1853 of 2025 pending on the file of Judicial Magistrate Court No.III, Vellore.

For Petitioner : Mr.V.Narendran

For Respondent : Mr.R.Rajasekaran
Government Advocate (Crl. Side)



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ORDER

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The petitioner/accused facing trial in C.C.No.1853 of 2025 before the learned Judicial Magistrate No.III, Vellore for offence under Sections 4(1)(A) and 4(1)(C) of Tamil Nadu Prohibition (Amendment) Act, 2024, filed this Quash Petition.

2.The case of the prosecution is that, on 11.08.2025 at 06.30 a.m. when the respondent Police was on patrol duty, found the petitioner moving in a suspicious manner. On enquiry, since the petitioner was giving contradictory statement, he was asked to produce the bag holding and from the bag, Old Chef Rum-16 of 180ML, totalling 2.88 litres found. On further enquiry, he informed that the said liquor bottles intended to be sold at a higher price. On the same day, in the presence of police witnesses, the said 16 liquor bottles seized and the petitioner arrested. Hence, a case in Crime No.137 of 2025 registered against the petitioner for the offences under Sections 4(1)(A) and 4(1)(C) of the Tamil Nadu Prohibition (Amendment) Act, 2024. On completion of the investigation, charge sheet filed before the learned Judicial Magistrate No.III, Vellore, and the same taken on file as C.C.No.1853 of 2025.



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3.Learned counsel for the petitioner submitted that the entire search

and seizure stage-managed by the respondent Police. In this case, no independent witness examined and the witnesses examined are all Police personnels, hence, the search and seizure are doubtful. He further submitted that, as per the seizure mahazar, the petitioner was in possession of 16 liquor bottles for his personal consumption. In the charge sheet, there is nothing to show that the petitioner was selling or sold liquor bottles to any person at a higher price and no witness examined in this regard. The learned counsel further submitted that, as per G.O.Ms.No.14, H.P. & EVI Department, dated 09.06.2017, a person can lawfully possess a maximum of 4.5 litres of Indian Made Foreign Spirits for personal use. In the present case, the petitioner was found in possession of only 2.88 litres of liquor. According to the petitioner, he falls within the exempted category, hence, no offence made out against him. Further the said liquor bottles purchased in the State of Tamil Nadu. 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). Hence, he prays for quashing.

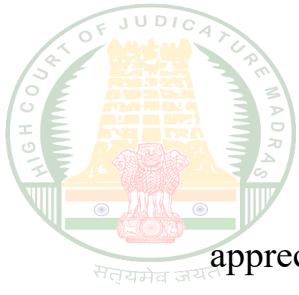


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4.The learned Government Advocate (Crl. Side) appearing for the

respondent Police submitted that, when the respondent Police were on patrol duty on 11.08.2025, the petitioner was found selling liquor bottles illegally to the public. He further submitted that the petitioner is a habitual offender and was selling liquor at higher prices whenever there was a restriction and after the closure of TASMAC shops. For that purpose, he purchased and possessed 16 bottles of liquor totalling 2.88 litres. This would clearly show that the purpose of possessing 16 bottles was not for personal consumption but only for sale. The points raised by the petitioner are to be decided only during trial. Hence, the present petition is liable to be dismissed.

5.Considering the facts and circumstances of the case and also taking note 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 18 ML of Old Chef Rum-16, totalling 2.88 litres of brandy. For better



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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

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



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6.In the result, the proceedings in C.C.No.1853 of 2025 on the file

of the Judicial Magistrate No.III, Vellore is quashed against the petitioner.

Accordingly, this Criminal Original Petition is allowed. Consequently, connected Criminal Miscellaneous Petition is closed.

11.06.2026

Index: Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation: Yes/No

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To

1.The Judicial Magistrate No.III,
Vellore.

2.The Sub Inspector of Police,
Virudampet Police Station,
Vellore.

3.The Public Prosecutor,
Madras High Court.



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M.NIRMAL KUMAR, J.

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