



WEB COPY

CRL OP No. 11178 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-06-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

**CRL OP No. 11178 of 2026
and Crl.M.P.No.7919 of 2026**

Harish
S/o.Selvaraj,
64/56, Ramu Street,
Annathanapatti,
Salem,
Tamilnadu-636 002.

..Petitioner(s)

Vs

The State rep.by,
Sub-Inspector of Police,
PEW-Gobi Police Station,
Erode District-638 452.
Cr.No.129 of 2025.

..Respondent(s)

Criminal Original Petition is filed under Section 528 of BNSS to call for records of the proceedings in C.C.No.184 of 2025 on the file of the Court of Judicial Magistrate, Sathyamangalam and quash the same and pass such further or other orders as it may deem fit and proper in light of the facts and circumstances of the case.

For Petitioner(s):

Mr.R.Praveen FOR

GMS Law Associates

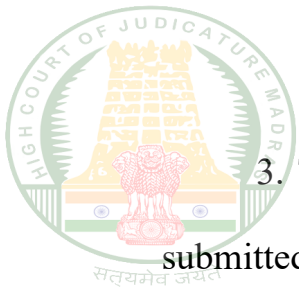
For Respondent(s):

M/S.R. RAJASEKARAN GA (CRL. SIDE)

**ORDER**

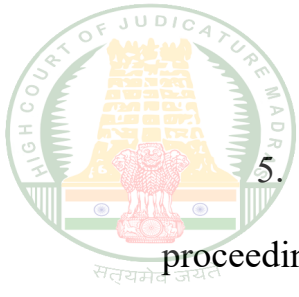
The petitioner / accused facing trial in C.C.No.184 of 2025 for the offence under Section 4(1)(C) of The Tamil Nadu Prohibition (Amendment) Act, 2024, filed this quash petition.

2. The contention of the petitioner is that the prosecution has projected a case that the petitioner was found in possession of 750 ml of XXX Old Monk Rum and it is purchased from the State of Karnataka. The learned counsel for the petitioner submitted that the petitioner, for his personal consumption, had bought a 750 ml. liquor bottle and that there is no iota of material to show that the petitioner had illicitly transported liquor bottle for gain. Further the petitioner was travelling along with three of his friends to spend his vacation at Hasanur. The liquor bottle which was used for the personal consumption of the friends has been projected as though it has been illicitly transported. He further submitted that even from the Seizure Mahazar it has not been shown that the liquor bottle was in a sealed condition and the liquor bottle was not sent for any chemical examination and the contents of the bottle also is not proved. He further submitted that though the seizure was made in a public place, no public witness was examined in this case. After the filing of the charge sheet, the prosecution listed only four witnesses, all of whom are police personnel.



3. The learned Counsel for Government of Tamil Nadu (Criminal Side) submitted that, in this case, the respondent police intercepted the petitioner's vehicle at Hasanur Check Post and found a 750 ml. of XXX Old Monk liquor bottle in the vehicle. When questioned, the petitioner was unable to give a proper explanation but admitted that the bottles had originated from the State of Karnataka. Upon completion of the investigation, charge sheet was filed. He further submitted that no member of the public had come forward to witness the seizure and that the seizure took place only in the presence of L.W.1, L.W.2 and L.W.3.

4. Considering the submission and upon perusal of the materials, it is seen that a bottle of 750 ml. XXX Old Monk was seized from the petitioner when he was in a vacation trip along with his friends at Hasanur. Though it has been stated in the Seizure Mahazar that the said liquor bottle had originated from State of Karnataka, no proof has been produced to substantiate the same. Further, the petitioner had travelled along with three of his friends and the liquor is only for personal consumption and not for any illicit trade. No public witness has been examined and there is no concrete proof to show that the aforesaid liquor bottle of 750 ml. XXX Old Monk, cannot, by itself, give rise to an inference that the petitioner was engaged in illicit trade. In view of the same, this Court is inclined to quash the proceedings against the petitioner.

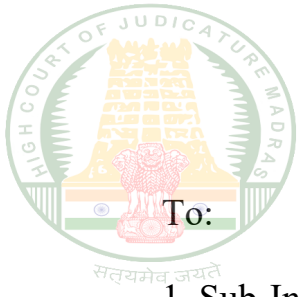


5. Accordingly, this Criminal Original Petition is allowed and the proceedings in C.C.No.184 of 2025 on the file of the learned Judicial Magistrate, Sathyamangalam, is hereby quashed. Connected miscellaneous petition is closed.

02-06-2026

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

BKN



To:

1. Sub-Inspector of Police,
PEW-Gobi Police Station,
Erode District-638 452.
Cr.No.129 of 2025.

2. Judicial Magistrate, Sathyamangalam

3. Public Prosecutor, Madras High Court.



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M.NIRMAL KUMAR, J.

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