



Crl.OP(MD).No.5792 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 24.03.2026

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

Crl.OP.(MD)No.5792 of 2026
and
CrI.M.P.(MD).No.6245 of 2026

R.Yogesh

...Petitioner

Vs

1. State Of Tamilnadu Rep
By Sub-Inspector of Police,
Koodankulam Police Station,
Tirunelveli District.
(Crime No.452/2024)

2. Ganapathi

...Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS Act, 2023, to call for the entire records pertaining to the case in STC No.334 of 2026 on the file of the learned Judicial Magistrate, Radhapuram, Tirunelveli District and quash the same and pass such any or other orders as this Honble Court may deem fit and proper in the circumstances of the case.

For Petitioner : M/s.S.Balaji

For Respondent
No.1 : Mr.R.Meenakshi Sundaram
Addl. Public Prosecutor



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ORDER

WEB COPY The present Criminal Original Petition has been filed by sole Accused seeking to quash the charge sheet in S.TC.No.334 of 2026 on the file of the Judicial Magistrate, Radhapuram, Tirunelveli District, wherein the petitioner is charged with offences punishable under Sections 4(1)(C) of the TamilNadu Prohibition (Amendment) Act, 2024.

2. A perusal of the charge sheet reveals that the petitioner was in possession of 9 bottles of 180 ml each of Vorion brandy and 6 bottles of One Man Army rum on 13.10.2024, without a valid license, and that he possessed the same for the purpose of selling them to the general public at a higher price.

3. According to the petitioner, as per G.O.Ms. No.75, P & E, dated 16.04.1996, an individual is entitled to possess upto 4.5 litres of Indian Made Foreign Spirits for personal consumption. In the present case, admittedly, the petitioner was in possession of only two litres. In such circumstances, the ingredients of Section 4(1)(C) of the Tamil Nadu Prohibition (Amendment) Act, 2024 have not been made out, and therefore, the charge sheet is liable to be quashed. The learned Counsel for the petitioner relied upon the decision of this Court in Crl.O.P. No.11967 of 2021, dated 13.07.2021, wherein this Court was pleased to quash the charge sheet arising out of similar circumstances.



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4. Per contra, the learned Additional Public Prosecutor submitted that the petitioner was in illegal possession of two litres of Indian Made Foreign Spirit and that he possessed the same with the intention of selling it in the retail market at a higher price; therefore, the charge sheet has been laid, and he prayed that the charge sheet has to be sustained.

5. I have carefully considered the submissions made on either and perused the materials available on record.

6. A perusal of the charge sheet clearly shows that the petitioner was in possession of two litres of Indian Made Foreign Spirit, and there is no dispute that he was in possession of the liquor without a licence. Though there is an allegation that he possessed the same for the purpose of selling it at a higher price to the general public, no proof has been furnished in the charge sheet in this regard, nor have any witnesses been cited to establish the alleged commercial utilisation of the said liquor bottles by the petitioner.

7. The Government of Tamil Nadu has issued a G.O.Ms. No.75, P & E, dated 16.04.1996, wherein, Table-I is extracted as follows:



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Table – I

(Amended vide G.O.Ms.No.14, H.P.&EVI Department, dated 09.06.2017)

Liquor (1)	Quantity (in Litres) (2)
(1) Indian made Foreign Spirits	4.5
(2) Foreign Liquor	4.5
(3) Beer	7.8
(4) Wine	9.0

As per the above Government Order, Section 4 of the Tamil Nadu Prohibition Act has been amended to permit possession of upto 4.5 litres of Indian Made Foreign Spirit for personal consumption. Admittedly, in the present case, the petitioner was in possession of less than two litres of Indian Made Foreign Spirit.

8. In such circumstances, this Court is of the considered opinion that the ingredients of the offence under Section 4(1)(c) of TamilNadu Prohibition Act have not been made out. In view of the same, the petitioner cannot be directed to undergo trial.



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9. In view thereof, the charge sheet in S.T.C.No.334 of 2026 on the file of learned Judicial Magistrate, Radhapuram, Tirunelveli stands quashed. Accordingly, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

24.03.2026

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
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R.VIJAYAKUMAR, J.

gvn

To:-

1. The Judicial Magistrate, Radhapuram,
Tirunelveli
2. The Sub-Inspector of Police,
Koodankulam Police Station,
Tirunelveli District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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