

**IN THE COURT OF DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE
UTHUKULI**

Present : Thiru. B.Dharaneether. B. A., L L M.,
District Munsif cum Judicial Magistrate,
Uthukuli.

Dated : Wednesday, the 11th day of March 2026

S.T.C. No. 246 of 2025

(CNR No. TNTI23-001114-2025)

State

rep. by Sub Inspector of Police,

Uthukuli Police Station

(Crime No.80 of 2025)

... Complainant

Vs.

Ponnusamy

S/o. Aaran

Age: 47 years.

.. Accused

This case having coming up on 11.03.2026 for final hearing before me in the presence of Tmt. Hema, B.A., B.L., Assistant Public Prosecutor Grade I appearing for State and Tr.S.Dhanapal, Advocate for the accused. Upon perusing the connected material records and having stood over till this day for consideration, this Court delivers the following.

JUDGMENT

This case has been taken on file on the basis of the Final Report filed by the Sub Inspector of Police, Uthukuli Police Station in Crime No.80 of 2025 for the offence punishable under Section 4(1)(c) of the Tamil Nadu Prohibition (Amendment) Act, 2024 .

The brief case of the prosecution is that on 11.02.2025 at about 10.00 a.m., at Ayyamuthankadu near the house of the accused within the jurisdiction of Uthukuli Police Station, the accused was found in possession of ten bottles of 180 ml “Express” brandy allegedly kept for sale without Government permission and thereby committed the offence under Section 4(1)(c) of the Act.

On appearance of the accused, copies of police report and other documents were furnished to him under Section 230 of the Bharatiya Nagarik Suraksha Sanhita, 2023. Since this is a summons case, the substance of accusation under Section 274 BNSS was explained to the accused. The accused denied the accusation, pleaded not guilty and claimed to be tried.

In order to prove the case, the prosecution examined PW1 and marked Ex.P1 to Ex.P3 and M.O.1.

PW1 has deposed regarding the alleged seizure of ten bottles of 180 ml “Express” brandy from the accused and the registration of the case.

The property particulars show that ten bottles of 180 ml “Express” brandy were seized from the accused.

The total quantity allegedly seized is 1800 ml (10 × 180 ml) which comes to 1.8 litres.

During cross-examination, PW1 has admitted that as per the Tamil Nadu Government Rules, a person is permitted to possess up to 4.5 litres of

brandy/whisky and 7.8 litres of beer. PW1 has further admitted that the seized liquor is an approved IMFL brand sold in Government TASMALC shops.

Thus, the quantity allegedly seized from the accused is within the permissible possession limit prescribed under the Rules. Mere possession of liquor within permissible limits does not constitute an offence.

The prosecution allegation is that the accused kept the liquor for sale. However, no sale amount was seized from the accused. No purchaser has been examined. No independent material has been produced to establish that the accused was engaged in selling or attempting to sell the liquor.

Section 4(1)(c) of the Tamil Nadu Prohibition (Amendment) Act, 2024 requires proof of possession for sale in contravention of law. In the absence of proof of excess quantity or proof of sale or attempt to sell, the essential ingredients of the offence are not established.

The burden lies entirely on the prosecution to prove the guilt of the accused beyond reasonable doubt. When the admitted quantity is within permissible limits and there is no evidence of sale, the accusation cannot be sustained.

On careful appreciation of the entire evidence on record, this Court finds that the prosecution has failed to establish the offence under Section 4(1)(c) of the Tamil Nadu Prohibition (Amendment) Act, 2024.

In the result, the accused Ponnusamy is acquitted under Section 248(1) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

The bail bond, if any, shall stand cancelled. Sureties are discharged. The material objects shall be disposed of in accordance with law after expiry of appeal period. The contents of bottles in P.R.No.71 /2026 are ordered to be destroyed. The empty glass bottles are ordered to be confiscated to the State.

Pronounced in open Court on this 11th day of March, 2026.

**District Munsif cum Judicial Magistrate,
Uthukuli.**

APPENDIX

I. LIST OF PROSECUTION WITNESSES

Sl. No.	Witness No.	Name & Designation
1	PW1	Rangaraj, Head Constable, Uthukuli Police Station

II. LIST OF DEFENCE WITNESSES

Sl. No.	Witness No.	Name
—	—	Nil

III. LIST OF PROSECUTION DOCUMENTS

Sl. No.	Exhibit No.	Description
1	Ex.P1	First Information Report in Crime No.80 of 2025
2	Ex.P2	Seizure Mahazar
3	Ex.P3	Form 91 – Property Forwarding Form

IV. LIST OF DEFENCE DOCUMENTS

Sl. No.	Exhibit No.	Description
—	—	Nil

V. LIST OF MATERIAL OBJECTS

Sl. No.	M.O. No.	Description
1	M.O.1	Ten bottles of 180 ml “Express” Brandy (IMFL)

**District Munsif cum Judicial Magistrate,
Uthukuli.**

NOTE :

- 1) Accused acquitted
- 2) Result of this case informed to the concerned department.
- 3) Date of Judgment 11.03.2026.

Date of Judgment : 11.03.2026.

Date of uploading : 11.03.2026.