

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

THURSDAY, THE SIXTEENTH DAY OF JULY
TWO THOUSAND AND FIFTEEN

PRESENT
THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

CRIMINAL PETITION No.1417 of 2011

Between:

Kandibanda Sreenivasa Rao and another
..... PETITIONERS/A1 & A2

AND

The State of A.P, rep.by its
Public Prosecutor
.....RESPONDENT

DATE OF JUDGMENT PRONOUNCED: **16.07.2015**

SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

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| 1. | Whether Reporters of Local newspapers may be allowed to see the Judgments? | Yes/No |
| 2. | Whether the copies of judgment may be marked to Law Reporters/Journals | Yes/No |
| 2. | Whether Their Ladyship/Lordship wishes to see the fair copy of the Judgment? | Yes/No |

THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

CRIMINAL PETITION No.1417 of 2011

ORDER:

This criminal petition is filed under Section 482 Cr.P.C. to quash the proceedings in PCR.No.1021 of 2010-11 of Prohibition and Excise Police Station, Kodad, Nalgonda District, which was registered for the offence under Section 34(a) of the A.P.Excise Act, 1968.

2. Heard the learned counsel appearing for the petitioners/A1 & A2 and the learned Additional Public Prosecutor, representing the State.

3. The allegations made against the petitioners/A1 & A2 are that on 22.01.2011 when both of them were traveling in a two-wheeler and when they were checked, they were found in possession of 48 nibs of old Admiral Whisky each nib containing 180 ml. When questioned, the petitioners/A1 & A2 have produced the bills stating that they have purchased the same from Naveen Wines, Nelakondapalli, Khammam District, vide two receipts Nos.103 & 104 respectively for their consumption.

4. The learned counsel for the petitioners/A1 & A2 submitted that as per orders of the Government, one person is permitted to hold 6 full bottles, which is equivalent to 24 nibs. The learned counsel further submits that in the instant case, each petitioner was found in possession of 24 nibs, which is permissible and hence it cannot be said that the petitioners have committed the offence alleged.

5. As rightly contended by the learned counsel for the petitioners, each petitioner was found in possession of 24 nibs, which is permissible, more so, they have purchased the same under valid receipts from a wine shop. Therefore, continuance of proceedings

against the petitioners/A1 & A2 are nothing but abuse of process of law and hence they are liable to be quashed.

6. In the circumstances, the Criminal Petition is allowed, the proceedings in PCR.No.1021 of 2010-11 of Prohibition and Excise Police Station, Kodad, Nalgonda District against the petitioners/A1 & A2 are hereby quashed.

Pending miscellaneous applications, if any, shall stand closed in consequence.

M.S.K.JAISWAL,J

Date: 16.07.2015
Dsr