

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

CRIMINAL PETITION No.11344 of 2016

ORDER:

The criminal petition is filed under Section 482 Cr.P.C. to quash the proceedings in COR.No.144 of 2016 of Proh. & Excise Station, Narayankhed, Medak District, registered for the offence punishable under section 34(a) of A.P.Excise Act, 1968.

Heard the learned counsel appearing for the petitioner/accused and the learned Additional Public Prosecutor, representing the State.

The allegation against the petitioner/accused is that when his house was raided in his absence, total quantity of 2.16 liters of liquor (12 bottles, each 180 ML) was seized and that therefore, he has committed an offence punishable under Section 34(a) of A.P.Excise Act.

The learned counsel for the petitioner/accused submits that as per G.O.Ms.No.268, Revenue (Ex.III), dated 01.04.1997, the permissible limit which a person can possess is 4,500 ML in quantity. The learned counsel for the petitioner/accused also relied upon a decision of this Court in ***K.Prabhu v. State of Andhra Pradesh***^[1] in support of his contention, wherein this Court on similar facts, allowed the criminal petition and quashed all further proceedings therein.

Since the quantity that is found in the house of the petitioner, even according to the seizure panchanama, is less than the permissible limits, the prosecution against the petitioner/accused cannot be sustained.

In view of the above, the Criminal Petition is allowed and consequently, the proceedings in COR.No.144 of 2016 of Proh. & Excise Station, Narayankhed, Medak District against the petitioner/accused are hereby quashed.

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

M.S.K.JAISWAL,J

Date: 03.08.2016
Dsr

[\[1\]](#) 2014 (2) ALD (Cri) 624