

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION NO.10239 of 2016

ORDER

The petitioner, who is A.3 in crime No.130 of 2016 of Prohibition & Excise Station, Kadiri, Anantapur District, filed the present application under Section 438 Cr.P.C. seeking release in the event of his arrest in connection with above case registered for an offence punishable under Section 7(A) r/w.8(e) of Andhra Pradesh Prohibition Act, 1995.

Heard learned counsel for the petitioner as well as the learned Public Prosecutor appearing for the respondent-State.

The case of the prosecution is that on 10.01.2007 during the route watch conducted by Prohibition & Excise Sub-Inspectors, they noticed car bearing No.MEO-0799 in which three persons were traveling. On seeing the Police, two of them ran away and another person was detained by Police. On search, the Police found 9 polythene bags containing 4500 arrack sachets of 100 ml each. Police seized the property, arrested the accused, remanded him to judicial custody and after completion of investigation, filed the charge sheet.

Learned counsel for the petitioner submits that the petitioner was neither aware about the filing of charge sheet nor issuance of non-bailable warrant. He further submits that instead of issuing summons, the trial Court has directly issued non-bailable warrant without taking any efforts of arresting the accused prior to filing of charge sheet.

Material placed before this Court discloses that the petitioner is working in Department of Kadiri Municipality vide EID No.1057111. That being so, the petitioner shall appear before concerned Court along with an application for recall of warrant, in which event, the Court below shall recall the warrant issued against the petitioner on the same day on such terms and conditions as the Court below feels fit and appropriate. It is needless to mention that hereinafter the petitioner shall appear before the

Court below regularly.

Accordingly, the Criminal Petition is disposed of.

JUSTICE C. PRAVEEN KUMAR

26.07.2016

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