

THE HON'BLE DR. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.6488 OF 2017

ORDER:

Heard learned counsel for the petitioners/A2 to A4 of Crime No.147 of 2017 of Nagari Prohibition & Excise Station, dated 17.07.2017, registered for the offences punishable under penal provisions of A.P.Excise Act and also the learned public prosecutor representing the respondents 1 and 2 and perused the grounds urged in the quash petition and the contentions of the panchanama and the document placed reliance by the petitioner, which is issued by the Prohibition and Excise Superintendent, Tirupati, dated 24.02.2016, for shifting of M/s.Prince Wines, Nagari to another premises.

2. A perusal of the FIR no way enables this Court to interdict the investigation and so far as that document of February 2016 concerned, it is left open to the petitioners to submit the same to the Investigation Officer to consider as part of the investigation material the relevancy.

3. With the above observations and needless to observe that the offences punishable are below seven years, if at all any necessity of arrest of the petitioner is required, the excise officials shall strictly follow Section 41A of Cr.P.C. and the

guidelines laid down by the Hon'ble Apex Court in ***Arnesh Kumar Vs. State of Bihar***¹.

4. Accordingly and with the above direction, this Criminal Petition is disposed of. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence.

DR.B.SIVA SANKARA RAO,J

16.08.2017
SS



¹ 2014 (5) SCC 324