

HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.7391 of 2017

ORDER:

This petition is filed, by the petitioner-accused No.3, under Section 438 Cr.P.C., seeking anticipatory bail in Crime No.48 of 2017 on the file of Station House Officer, Krishnapatnam Port Police Station, Sri Potti Sri Ramulu, Nellore, registered for the offence punishable under Section 34 (A) of the A.P.Excise Act.

2. Learned counsel for the petitioner-accused No.3 seeks permission of this Court to withdraw the Criminal Petition. He further submitted that the police may be directed to follow the procedure as contemplated under Section 41-A Cr.P.C.

3. Permission is accorded.

3. Accordingly, the Criminal Petition is dismissed as withdrawn. It is needless to say that the Station House Officer, Krishnapatnam Port Police Station has to follow the procedure as contemplated under Section 41-A Cr.P.C., in view of the principle enunciated by the Supreme Court in **Arnesh Kumar v. State of Bihar**¹.

T.SUNIL CHOWDARY, J

SEPTEMBER 08, 2017
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¹ (2014) 8 SCC 273

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Date:08.09.2017

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