

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.3273 OF 2017

ORDER:

The present Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'the Code'), is filed requesting to quash the First Information Report in Crime No.32 of 2017 of Police Station V. Kota, Chittoor District.

2. Petitioner herein is arraigned as sole accused in the aforesaid crime. He alleged to have committed the offence punishable under Section 34 (a) of A.P. Excise Act.

3. Heard Sri Satheesh Kumar Eerla, learned counsel for the petitioner, and learned Additional Public Prosecutor for the State of Andhra Pradesh.

4. The main submission of the learned counsel for petitioner is that, even according to the allegations levelled against the petitioner, the articles seized were 1) 8 PM rare blend of Indian Whiskey and Scotch 750 ml, one bottle 2) Old Monk Rum 180 ml, 6 tetra packets and 3) Bangalore Malt Whiskey 180 ml, 6 tetra packets, total worth of Rs.965/-, and that the petitioner was not possessing valid permit or licence for selling the same and, therefore, the same were seized by the Sub-Inspector of Police, V. Kota, and samples were drawn and sent for analysis, and, therefore, in view of the decision of this Court

in **K. Prabhu v. State of Andhra Pradesh and another**¹, wherein this Court has quashed the proceedings against the petitioner therein basing on G.O.Ms.No.268, Revenue (Ex.III), dated 01.04.1997, as per which, a person is entitled to have possession of six Indian liquor quarter bottles of 750 ml each without permit for personal use, the proceedings against the petitioner are also liable to be quashed.

5. Learned Additional Public Prosecutor would object to the request on the ground that the facts would reveal that the petitioner purchased the said liquor from Karnataka State and brought into the territory of Andhra Pradesh State stealthily.

6. Irrespective of the fact whether such objection can be upheld or withheld, it is left open to the learned Magistrate to examine the issue and dispose of the Calendar Case in accordance with law, in case, the aforesaid G.O. is applicable, and if the aforesaid G.O. is not applicable, to proceed with trial.

7. With the above observation, the present Criminal Petition is disposed of. Miscellaneous Petitions, if any, pending in this Criminal Petition, shall stand closed.

A. SHANKAR NARAYANA, J

April 28, 2017.
MD

¹ 2014 (2) ALD (crl.) 624