

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

CRIMINAL PETITION No.9758 OF 2017

ORDER:

Heard learned counsel for the petitioner/A2 of COR.No.22 of 2017 of P.S.Excise Range Banswada of Kamareddy District, registered for the offences punishable under Section 27(1) of A.P.Excise Rules and Section 8(c) r/w 22 of NDPS Act and also heard the learned public prosecutor, representing the respondent State and perused the grounds urged in the quash petition and the contents of the FIR.

2. The case of the prosecution is that narcotic drug or cytotropic substance found. In the absence of showing the quantity of the same is above small, much less, commercial quantity, the quantity be treated as small, where the punishment provided even under section 22(a) of the Act is up to one year or with fine up to Rs.1000/- or both, thereby, the investigation shall go on, however, the petitioner shall not be arrested pending investigation and it is made clear that this will not prevent the police to secure the presence of the accused as and when required for purpose of investigation.

3. Accordingly and with the above direction, this criminal petition is disposed of, by left open all available defenses. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence.

DR.B.SIVA SANKARA RAO, J

**25.10.2017
SS**