

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

CRIMINAL PETITION No.9953 OF 2017

ORDER:

Heard learned counsel for the petitioners/A3 and A4 of Crime No.173 of 2017, registered by SHO, Prohibition & Excise, Zaheerabad, for the offences punishable under Section 34(e) of the A.P.Excise Act, 1968 and also heard the learned public prosecutor, representing the respondent – State and perused the panchanama and the grounds urged in the quash petition and the other material on record.

2. No doubt, as pointed out by the learned public prosecutor, A3 is main trader, whose purpose the Black Jaggery secured, cannot have the concession of not to arrest pending investigation but for availment of Section 41A Cr.P.C. and direction to the police to 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. A4, since only a farmer and there is no direct role, he is entitled to the concession of not to arrest.

3. 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

24.10.2017
SS

¹ 2014 (5) SCC 324