

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION NO.1391 OF 2018

ORDER:

This petition is filed by the petitioners under Section 482 Cr.P.C. to quash the proceedings in COR No.410 of 2017 on the file of the Prohibition and Excise Station, Bhadrachalam, Bhadrachalam District, which was registered for the offences punishable under Section 7 (A) r/w 8 (e) of A.P. Excise Act, 1968.

2. Heard learned counsel for the petitioners, learned Assistant Public Prosecutor representing the State and perused the record.

3. Learned counsel for the petitioners would submit that the petitioners 1 and 2 are wholesale dealers and the petitioners 3 and 4 are Kirana shop owners. They are dealing with sale and purchase of Sugar. The petitioners are not responsible for the alleged manufacturing of I.D. liquor by the accused in this case. They do not know who are the other accused in this case. In the course of investigation, police concerned has seized the Sugar from the shop of the petitioners and ultimately prayed to allow the petition and order release of Sugar seized.

4. On the other hand, learned Assistant Public Prosecutor opposed the relief sought for by the petitioners in the petition.

5. As far as seizure of Sugar in this case is concerned, there is efficacious remedy available to the petitioners before the Deputy Commission of Excise, Khammam. The petitioners can make an application and seek release of Sugar in accordance with law. As far as

allegations are concerned, the petitioners are sharing some percentage of income in the I.D. liquor manufactured and sold by the other accused. These allegations require investigation. This petition is filed during the pendency of investigation. The investigation is not yet completed. The innocence or otherwise of the petitioners is required to be investigated. If the petitioners are aggrieved on filing of final report, they can work out their remedies under law. At this stage, the petition is devoid of merit and is liable to be dismissed.

6. Accordingly, the Criminal Petition is dismissed. Miscellaneous petitions, if any pending in this Criminal Petition shall stand closed.

DR.SHAMEEM AKTHER, J

DATED: 08-02-2018.

Hsd

