

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION NO.1605 OF 2018

ORDER:

This petition is filed by the petitioner-A2 under Section 482 Cr.P.C. to quash the proceedings in PCOR No.04/2018 on the file of the Station House Officer, Jedcherla Police Station, which was registered for the offence punishable under Section 8 (c) r/w 22 of NDPS Act, 1985.

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

3. Learned counsel for the petitioner would submit that 30 grams of Alphozam said to have been given to A1 by this petitioner-A2, which is contraband. Pursuant to confession of A1, this petitioner-A2 is implicated in this case. The petitioner-A2 is not responsible for sale of the contraband to A1. The petitioner-A2 is apprehending arrest in this case and ultimately, prayed to allow the petition.

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

5. As per the material placed on record, 30 grams of Alphozam said to have been given to A1 by this petitioner, which is a contraband. Possessing of the same is an offence punishable under Section 8 (c) r/w 22 of the NDPS Act, 1985. The matter requires examination with regard to handing over of 30 grams of Alphozam to A1 by this petitioner. The continuation of proceedings is not an abuse of process of law. In view of the allegations, it is quite natural for the police to apprehend the suspect for the

purpose of investigation. Therefore, there are no grounds to quash the proceedings.

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

DR.SHAMEEM AKTHER, J

DATED: 14-02-2018.

Hsd

