

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Criminal Petition No.3011 of 2018

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioner/A.3 to quash the proceedings in Crime No.2 of 2018 on the file of Guduru Prohibition and Excise Police Station, SPSR Nellore District, registered for the offence under Section 34(a) of the A.P.Excise Act.

2. Heard the learned counsel for the petitioner/A.3, learned Assistant Public Prosecutor representing the 1st respondent-State and perused the record.

3. The learned counsel for the petitioner/A.3 would submit that five liquor bottles were being transported by two persons on a motorcycle. On seeing the police, one of the accused ran away and the person caught alleged to have made confession that they have purchased liquor bottles from the shop belonging to petitioner/A.3. Pursuant to the said confession, the instant crime is registered and proceeded with. The allegations do not constitute offence under Section 34(a) of the A.P.Excise Act. The petitioner/A.3 is a noukarnama. There is also permission to sell liquor. No offence is made out against the petitioner/A.3 and ultimately prayed to allow the application.

4. The learned Assistant Public Prosecutor opposed the same contending that altogether 126 liquor bottles were being transported. Seals of five liquor bottles were intact. The said seals reveal that the liquor was sold from the shop belonging to petitioner/A.3, which is in

contravention of provisions of the A.P.Excise Act. One person is entitled to hold six bottles of liquor at a time and ultimately prayed to dismiss the application.

5. As per the panchanama and the confession made by the accused Nos.1 and 2, police have seized 126 liquor bottles from the possession of accused Nos.1 and 2. Seals of five liquor bottles were intact. Those seals reveal that those liquor bottles were sold by the shop belonging to petitioner/A.3. As per the regulations, one person is entitled to hold six liquor bottles at a time. Here, it is much more and against the regulation. Under these circumstances, it cannot be said that it is not in contravention of the provisions of A.P.Excise Act. Further, the seals of five liquor bottles, which were intact, reveal that the liquor bottles were sold from the shop belonging to the petitioner/A.3. The petitioner/A.3 possessing licence to sell liquor is not a ground to quash the proceedings. The accusations do require investigation. The Criminal Petition is devoid of merit and is liable to be dismissed.

6. Accordingly, this Criminal Petition is dismissed.

Miscellaneous petitions, if any, pending in this Criminal Petition, shall stand closed.

12th March, 2018
Bvv

Dr. SHAMEEM AKTHER, J