

HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No.11008 OF 2018

ORDER:

This Criminal Petition under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Code') is filed by the petitioner - accused No.18 viz., Chakali Siva @ Bukkapatanam Siva Kumar, to quash the proceedings against him in Crime/FIR No.167 of 2018 on the file of Tadipatri Town Police Station, Ananthapuramu District, Andhra Pradesh State, registered for the offence punishable under Section 8 (c) read with 20 (b) (ii) (B) in the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Learned counsel for the petitioner after arguing for sometime, requested this Court to direct the police to follow the procedure inlaid in Section 41-A of the Code and guidelines formulated by the Apex Court in **Arnesh Kumar v. State of Bihar**¹.

3. Acceding to the request of the learned counsel for the petitioner and without touching the merits of the case, I deem it appropriate to direct the police to follow the procedure inlaid in Section 41-A of the Code and the guidelines prescribed in **Arnesh Kumar**¹. It is needless to mention that the Hon'ble Supreme Court made it clear that violation of guidelines prescribed in **Arnesh Kumar**¹ amounts to Contempt of Court action. Therefore, the Investigating

¹ (2014) 8 SCC 273

Agency is bound to adhere to the guidelines formulated by the Apex Court in **Arnesh Kumar**¹.

4. With the above directions, the present Criminal Petition is disposed of, at the stage of admission itself.

Consequently, Miscellaneous Petitions, if any, pending in the present Criminal Petition, stand closed.

M. SATYANARAYANA MURTHY, J

October 12, 2018

Mgr

