

SMT JUSTICE T.RAJANI

CRIMINAL PETITION No.12281 OF 2018

ORDER:

1. This Criminal Petition, under Section 482 of Cr.P.C., is filed by the Petitioner/Accused seeking to quash the proceedings in Crime No.30 of 2018, pending on the file of the Station House Officer, Prohibition and Excise, Prathipadu, East Godavari District, registered for the offences punishable under Section 7-A R/w.8(e) of the A.P. Prohibition Act, 1995.

2. Heard learned counsel for the petitioner and learned Public Prosecutor, appearing for the respondent – State.

3. The facts of the case are that, on 23.01.2018, at about 06:30 p.m. while the Sub-Inspector of Police along with the staff of Prohibition and Excise, Prathipadu, conducted raids, detected a case and found 5 liters of I.D. Arrack and on seeing the Police, the petitioner herein ran away.

4. This being the factual position, learned counsel for the petitioner submits that the petitioner was not at all present on the spot. But, that is a fact which has to be decided after due trial. More so, *prima-facie*, it appears that the petitioner herein was very much present when the officials visited the spot.

5. Hence, in view of the nature of allegations, this Court opines that this is not a fit case to quash the proceedings against the petitioner, at this stage. Hence, the Criminal Petition is liable to be dismissed.

6. In the result, the Criminal Petition is dismissed. However, considering the request of the petitioner that the Police concerned are directed to follow Section 41-A of Cr.P.C. before effecting the arrest of the Petitioner/Accused.

7. As a sequel, miscellaneous petitions if any, pending in this Petition shall stand dismissed.

T. RAJANI, J

Date: 19.11.2018.
Dsh

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Date.19.11.2018

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