

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.12681 of 2018

ORDER :

Impugning the First Information Report in Crime No.92 of 2017 registered by the Prohibition and Excise Police Station, Prathipadu, East Godavari District, for the offence punishable under Section 7(A) read with 8(e) of the A.P. Prohibition Act, 1995, on the report of the Prohibition and Excise Inspector, Prathipadu, the petitioner/A.2 filed the quash petition.

2. Heard learned counsel for the petitioner and learned Public Prosecutor, representing the State in opposing the same. Perused the First Information Report and quash petition averments.

3. A perusal of the First Information Report and quash petition averments no way entitles this Court to quash the proceedings or admit by keeping the matter pending, but for to say for none of the offences are punishable above seven years, the police strictly follow Section 41-A Cr.P.C., and also the guidelines as held by the Apex Court in **Arnesh Kumar Vs. State of Bihar**¹.

4. Accordingly and in the result, the criminal petition is disposed of without prejudice to any future defence of the petitioner.

Miscellaneous petitions pending, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

27th November 2018.

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¹ (2014) 8 SCC 273