

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.12860 of 2017

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioner-A.2 seeking to quash the proceedings against him in Crime No.230 of 2017 of Vikarabad Police Station, Vikarabad District, registered for the offence under Section 20(b) of the Narcotic Drugs and Psychotropic Substances Act (for short, 'the NDPS Act').

2. Heard the learned counsel for the petitioner-A.2 and the learned counsel for the respondent-State, apart from perusing the material on record.

3. Learned counsel for the petitioner-A.2 after arguing for some time, requested this Court to direct the police to follow the procedure laid down under Section 41A Cr.P.c. and the guidelines formulated by the Hon'ble Supreme Court in **Arnesh Kumar v. State of Bihar**¹.

4. According to the request of the learned counsel for the petitioner and without going into the merits of the case, I deem it appropriate to direct the police concerned to follow the guidelines prescribed in **Arnesh Kumar's** case (supra). It is needless to mention that the Hon'ble Supreme Court made it clear that violation of the guidelines in **Arnesh Kumar's** case (supra) amounts to Contempt of Court action. Therefore, the investigating agency is bound to adhere to the guidelines formulated by the Hon'ble Supreme Court in **Arnesh Kumar's** case (supra).

¹ (2014) 8 Supreme Court Cases 273

5. With the above directions, the Criminal Petition is disposed of. Pending Miscellaneous Petitions, if any, shall stand closed.

29th January, 2018
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Dr. SHAMEEM AKTHER, J

