

THE HON'BLE JUSTICE G.SRI DEVI

Criminal Petition Nos.3173 of 2019

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioner/A.2, to quash the proceedings against him in COR No.64 of 2019 of Prohibition and Excise Station, Adilabad, registered for the offences punishable under Sections 7(A) read with 8(e) of the A.P.Prohibition Act, 1995.

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

3. Though the learned counsel for the petitioner/A.2 filed this Criminal Petition to quash the proceedings in COR No.64 of 2019 of Prohibition and Excise Station, Adilabad, he restricts his prayer seeking a direction to the investigating agency to follow the procedure prescribed under Section 41A of Cr.P.C. and to follow the guidelines prescribed by the Apex Court in *Arnesh Kumar v. State of Bihar and another*¹.

4. The learned Additional Public Prosecutor representing the respondent-State conceded the request of the learned counsel for the petitioner/A.2.

5. Under these circumstances, the Station House Officer, Prohibition and Excise Station, Adilabad, is directed to follow the procedure laid down under Section 41A of Cr.P.C. before arresting

¹ AIR 2014 SC 2756

the petitioner/A.2 and strictly adhere to the guidelines formulated by the Apex Court in Arnesh Kumar v. State of Bihar's case *supra*.

6. With the above direction, this Criminal Petition is disposed of.

Miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

24th June, 2019
Bvv

JUSTICE G.SRI DEVI

