

THE HON'BLE JUSTICE G.SRI DEVI

CRIMINAL PETITION No.3459 of 2019

ORDER:

This Criminal Petition, under Section 482 of Code of Criminal Procedure, 1973, is filed by the petitioner/Accused No.2 seeking to quash the proceedings in COR No.222 of 2019, dated 12.06.2019, on the file of Prohibition and Excise Station, Manthani, Peddapally District, registered for the offence punishable under Section 34 (e) of the A.P.Excise Act, 1968 read with Sections 7 (A) and 8 (e) of the A.P.Prohibition Act, 1995.

2. Heard the learned counsel for the petitioner/Accused No.2, the learned Additional Public Prosecutor representing the respondents and perused the record.

3. Though the learned counsel for the petitioner/Accused No.2 filed the petition for quashing the proceedings in the aforesaid crime, he restricts his prayer seeking a direction to the investigating agency to follow the procedure prescribed under Section 41-A 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 conceded the said request stating that the punishment for the alleged offence is below seven years.

5. Under these circumstances, the Prohibition and Excise Station, Manthani, Peddapally District, is directed to follow the procedure laid down under Section 41-A Cr.P.C. before arresting the petitioner/Accused No.2 and strictly adhere to the guidelines

¹ AIR 2014 SC 2756

formulated by the Apex Court in **Arnesh Kumar v. State of Bihar**'s case *supra*.

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

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

JUNE 27, 2019

JUSTICE G.SRI DEVI

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Date:27.06.2019

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