

HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

MAIN CASE No: CrI.P.No.7258 of 2022

PROCEEDING SHEET

Sl. No	DATE	ORDER	OFFICE NOTE.
2.	16.09.2022	<p><u>NJS,J</u></p> <p><u>I.A.No.2 of 2022</u></p> <p>The present application is filed seeking to release the Tobacco products seized in connection with the Cr.No.22 of 2022 on the file of Vardaiahpalem Police Station, Chittoor District.</p> <p>It is the contention of the learned counsel for the petitioner that in the light of the decision in Criminal Petition No.1432 of 2020 & batch dated 30.07.2020 as also the decision in CrI.P.No.5675 of 2020 & batch dated 09.12.2020, the seizure of Tobacco products is not sustainable and the FIR registered against the petitioner insofar as the offences under Cigarettes and other Tobacco Products Act, 2003(COTPA 2003) (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) is liable to be quashed. In view of the legal position, the submission of the learned counsel is accepted and the FIR No.22 of 2022 in respect of offences under COTPA Act is quashed.</p> <p>In the light of the said decision, the police are directed to release the Tobacco products seized in connection with the Cr.No.22 of 2022 on the file of the Vardaiahpalem Police Station, Chittoor District.</p>	

		<p>This application is accordingly, allowed.</p> <p style="text-align: right;">_____ NJS, J</p> <p style="text-align: center;"><u>I.A.No.3 of 2022</u></p> <p>It is stated that in similar circumstances, interim orders are granted in CrI.P.No.1640 of 2021 and CrI.P.No.6224 of 2021 dated 20.03.2021 and 10.11.2021 respectively in the light of the decision of the Hon'ble Supreme Court in K.L.Subbayya v. State of Karnataka, (1979) 2 SCC 115.</p> <p>In view of the same, there shall be interim stay of all further proceedings in F.I.R.No.22 of 2022 on the file of Vardaiahpalem Police Station, Chittoor District, insofar as the offences under Excise Act are concerned.</p> <p style="text-align: right;">_____ NJS, J</p> <p style="text-align: center;"><u>CrI.P.No.7258 of 2022</u></p> <p>List this case along with CrI.P.No.1640 of 2021.</p> <p style="text-align: right;">_____ NJS, J</p> <p>BLV</p>	
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