

By the Judgment of 17th November, 2016 No. 25-II/2016 the Constitutional Court gave appraisal of constitutionality of Section 4 of Article 27.5 of the Administrative Offences Code of the Russian Federation.

The contested norm was the subject-matter of consideration insofar as on its ground is resolved the question of the term of administrative detention of a person, in whose respect proceeding is held on the case of an administrative offence, which entails administrative arrest as one of the measures of the administrative punishment, provided that at the moment of administrative apprehension the person was in a state of intoxication.

The contested provision, according to which the term of administrative detention of a person in a state of intoxication is calculated from the moment of his sobering up, has been recognised as not conforming to the Constitution of the Russian Federation to the extent to which it allows restriction of liberty of such person for the term of more than 48 hours prior to a court decision.