APHC010724312025

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)

WEDNESDAY, THE 5th DAY OF AUGUST 2026

PRESENT

THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI

THE HONOURABLE SRI JUSTICE PURUSHOTTAM KUMAR CHINTALAPUDI

WRIT PETITION NO: 2007 OF 2026

Between:

1. Potnuri Devi,, W/o.Chandra Rao, Aged 40 years, R/o D.No.66-20-10, Ramadasupeta, Rajamahendravaram Urban, East Godavari District-533102. (Under Detention lodged in Central Prison Rajahmahendravaram) Rep. by Daughter-In-Law N.Geetha Reddy, D/o.Rambabu, Aged 20 years, R/o D.No.l 3-15-64/1, Kotilingalapeta, 1st Street, Rajamahendravaram Urban, East Godavari District-533101

...Petitioner

AND

1. The State of Andhra Pradesh, Rep. by its Chief Secretary General Administration Department, Secretariat Buildings, Velagapudi, Amaravathi, Guntur District-522238.

2. The State of Andhra Pradesh, Rep. by its Principal Secretary Home Department, Secretariat Buildings, Velagapudi, Amaravathi, Guntur District-522238.

3. The District Collector, East Godavari District, Rajahmahendravaram-533101.

4. The Director General of Police, Government of A.P, Mangalagiri, Guntur District-522503.

5. The Director General of Prisons and Correctional Services, Government of A.P, K R Rao plaza, Opp. Modern Super Bazaar, Durgapuram, SN Puram, Bavajipet, Vijayawada-520003.

6. The Additional Director General of Police, Intelligence, Government of Andhra Pradesh, Mangalagiri, Guntur District-522503.

7. The Station House Officer, Prohibition and Excise Station, Rajahmundry (North), Prasanthi estates, Tilak Rd, near SBI, Postal Colony, Gandhipuram, Rajamahendravaram, East Godavari District-533103.

8. The Superintendent, Special Prison for Women, Central Jail Rd, Sanjeevaiah Nagar, Police Quarters, Rajamahendravaram, East Godavari District-533103.

...Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased topleased to issue a writ, order or direction more particularly one in the nature of Writ of Habeas corpus, directing the respondents to set at liberty by resulting the petitioner from detention in pursuance of the impugned orders by declaring the impugned action of the 3rd respondent in issuing impugned proceedings in Ref No.M1/537253/2025, dt 10.10.2025, as confirmed by 1st respondent vide G.O.Rt.No.1948 General Administration (SC-1) Department, dt 22.10.2025 and further confirmation orders issued vide impugned G.O.Rt.No.2244 General Administration (SC-1) Department, dt 01.12.2025, thereby detaining the petitioner under the provisions of The Andhra Pradesh Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug Offenders, Goondas, Immoral Traffic Offenders and Land-Grabbers Act, 1986, as illegal, arbitrary, violative of Article 14 and 21 of the Constitution of India, consequently set aside the same, in the interest of justice and pass such order or orders as this Hon'ble Court deems fit just and proper in the circumstances of this case. Main prayer was amended as per c.o.dt.08.05.2026 vide I.A.No.2 of 2026 in W.P.NO.2007 of 2026.

IA NO: 1 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased pleased to grant interim suspension of the impugned proceedings in Ref No.Ml/537253/2025, dt 10.10.2025, and G.O.Rt.No.1948 General Administration Department, dt 22.10.2025 and further impugned G.O.Rt.No.2244 General Administration (SC-1) Department, dt 01.12.2025, on the file of 1st respondent and 3rd respondent. Pending disposal of the present Writ Petition and pass

IA NO: 2 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased May be pleased to permit the petitioner herein to amend the Main Prayer in the affidavit in Writ Petition and Memorandum of Writ Petition as follows The old Main prayer made in Writ Petition is as follows Therefore it is prayed that this Honble Court may be pleased to issue a writ, order or direction more

particularly one in the nature of Writ of Mandamus, declaring the impugned action of the 3rd respondent in issuing impugned proceedings in Ref No.Ml/537253/2025, dt 10.10.2025, as confirmed by 1st respondent vide G.O.Rt.No.1948 General Administration (SC-1) Department, dt 22.10.2025 and further confirmation orders issued vide impugned G.O.Rt.No.2244 Administration (SC-l) Department, dt 01.12.2025, thereby detaining the petitioner under the provisions of The Andhra Pradesh Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug Offenders, Offenders and Land-Grabbers Act, 1986, as illegal, arbitrary, violative of Article 14 and 21 of the Constitution of India, consequently set aside the same, in the interest of justice and pass such order or orders as this Honble Court deems fit just and proper in the circumstances of this The new Main prayer is sought for General Goohdas, Immoral Traffic case. Therefore it is prayed that this Honble Court May be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Habeas corpus, directing the respondents to set at liberty by resulting the petitioner from detention in pursuance of the impugned orders by declaring the impugned action of the 3rd respondent in issuing impugned proceedings in Ref No.Ml/537253/2025, dt 10.10,2025, as confirmed by 1st respondent vide G.O.Rt.No,1948 General Administration (SC-1) Department, dt 22.10.2025 and further confirmation orders issued vide impugned G.Q.Rt.No.2244 General Administration (SC-1) Department, dt 01.12.2025, thereby detaining the petitioner under the provisions of The Andhra Pradesh Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug Offenders, Goondas, Immoral Traffic Offenders and Land-Grabbers Act, 1986, as illegal, arbitrary. violative of Article 14 and 21 of the Constitution of India,consequently set aside the same, in the interest of justice and pass

IA NO: 3 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased May be pleased to permit the petitioners herein to raise the above additional grounds for better adjudication of the present writ petition and pass

Counsel for the Petitioner: G V SHIVAJI

Counsel for the Respondents: GP FOR HOME Counsel for the Respondents:GP FOR REVENUE Counsel for the Respondents:ADDL ADVOCATE GENERAL

The Court made the following order:

ORDER: :-*(per Hon'ble Sri Justice Purushottam Kumar Chintalapudi)*

This Writ Petition initially came to be filed under Article 226 of the Constitution of India seeking the following relief:-

> *"…to issue a writ order or direction more particularly one in the nature of Writ of* ***Mandamus,*** *declaring the impugned action of the 3rd respondent in issuing impugned proceedings in Ref. No. M1/537253/2025, dt.10.10.2025 as confirmed by 1st respondent vide G. O. Rt. No. 1948 General Administration (SC-1) Department dt.22.10.2025 and further confirmation orders issued vide impugned G. O. Rt. No. 2244 General Administration (SC-1) Department dt.01.12.2025, thereby detaining the petitioner under the provisions of the Andhra Pradesh Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug Offenders, Goondas, Immoral Traffic Offenders and Land Grabbers Act, 1986, as illegal arbitrary violative of Article 14 and 21 of the Constitution of India consequently set aside the same in the interest of justice and pass such order or orders……"*

2. During pendency of this writ petition, the prayer has been amended as per the orders dated 08.05.2026 passed in I.A.No.2 of 2026 of this Court, in the following lines :

> *"…to* issue a writ order or direction more particularly one in the nature of Writ of ***Mandamus,*** directing the respondents to set at liberty by resulting the petitioner from detention in pursuance of the impugned orders by declaring the impugned action of the 3rd respondent in issuing impugned proceedings in Ref. No. M1/537253/2025, dt.10.10.2025 as confirmed by 1st respondent vide G. O. Rt. No. 1948 General Administration (SC-1) Department dt.22.10.2025 and further confirmation orders issued vide impugned G. O. Rt. No.2244 General Administration (SC-1) Department dt.01.12.2025, thereby detaining the petitioner under the provisions of the Andhra Pradesh Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug Offenders, Goondas, Immoral Traffic Offenders and Land Grabbers Act, 1986, as illegal arbitrary violative of Article 14 and 21 of the Constitution of India

consequently set aside the same in the interest of justice and pass such order or orders....."

3. Heard Sri G.V.Shivaji, learned counsel for the petitioner and Sri Kirthi Teja Kondaveeti, learned Government Pleader, attached to the office of the learned Additional Advocate General, appearing for the respondents and perused the material on record.

4. The petitioner is the detenu, by name Smt. Potnuri Devi, W/o Chandra Rao, aged about 40 years, is represented by her daughter-in-law by name N.Geetha Reddy.

5. An order of preventive detention was passed against the detenu by the 3rd respondent–The District Collector, East Godavari District, Rajamahendravaram, vide proceedings in Ref. No. M1/537253/2025, dated 10.10.2025, under Sections 7(B) read with 8(B) of the A.P. Prohibition (Amendment) Act, 2020, on the ground that she is selling illicit liquor, treating her as a "Bootlegger" within the meaning of Section 2(b) of the Andhra Pradesh Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug Offenders, Goondas, Immoral Traffic Offenders and Land Grabbers Act, 1986 (for short, "the Act,1986"). The detention order was passed based on eight (08) criminal cases pending against the detenu. List of those cases is as under :-

Sl. No	Cr.No., Sec of law & Name of the Police Station	Offences under which cases are registered
(1)	(2)	(3)
1.	Cr.No.282/2022, dt.30.03.2022	U/s.7(B) r/w 8 (B) of A.P

	Prohibition & Excise Station, Rajamahendravaram North.	Prohibition Amendment Act,2020.
2.	Cr.No.154/2024, dt.26.03.2024 III Town L & O P.S, Rajamahendravaram.	U/s.7(B) r/w 8 (B) of A.P Prohibition Amendment Act,2020.
3.	Cr.No.656/2024, dt.08.12.2024 Prohibition & Excise Station, Rajamahendravaram North.	U/s.7(B) r/w 8 (B) of A.P Prohibition Amendment Act,2020.
4.	Cr.No.02/2025, dt.02.01.2025 Prohibition & Excise Station, Rajamahendravaram North.	U/s.7(B) r/w 8 (B) of A.P Prohibition Amendment Act,2020.
5.	Cr.No.42/2025, dt. 02.01.2025 Prohibition & Excise Station, Rajamahendravaram North.	U/s.7(B) r/w 8 (B) of A.P Prohibition Amendment Act,2020.
6.	Cr.No.227/2025, dt. 10.09.2025 Prohibition & Excise Station, Rajamahendravaram North.	U/s.7(B) r/w 8 (B) of A.P Prohibition Amendment Act,2020.
7.	Cr.No.228/2025, dt. 11.09.2025 Prohibition & Excise Station, Rajamahendravaram North.	U/s.7(B) r/w 8 (B) of A.P Prohibition Amendment Act,2020.
8.	Cr.No.237/2025, dt. 24.09.2025 Prohibition & Excise Station, Rajamahendravaram North.	U/s.7(B) r/w 8 (B) of A.P Prohibition Amendment Act,2020.

6. The detention order was confirmed by the State *vide* G.O.Rt.No.1948, General Administration (SC-I) Department, dated 22.10.2025, and was further confirmed *vide* G.O.Rt.No.2244, General Administration (SC-I) Department, dated 01.12.2025, for a period of twelve months from the date of detention.

7. The detenu filed bail applications before the competent Courts in all the eight crimes, which were allowed by the respective Courts, enlarging her on bail subject to certain conditions, as reflected below:

Sl. No	Crime No.	Bail Conditions
1.	Cr.No.282/2022,	Petition is allowed, the petitioner/At request of the appellant's counsel, list after two (02) weeks. Is ordered to be released on bail on her executing personal bond of Rs.20,000/- with tow sureties for the likesum each. After release of petitioner/At request of the appellant's counsel, list after two (02) weeks., she is directed to appear before the SHO., SEB(North) Rajamahendravaram. On every 10.00 am., and 12.00 noon, for a period of three months or until filing of charge sheet, whichever is earlier.
2.	Cr.No.02/2025	The bail application is allowed enlarging the petitioner/accused No.1 on execution of personal bond or Rs.10,000/- with two sureties for the likesum.
3.	Cr.No.42/2025	The bail application is allowed enlarging the petitioner/accused No.1 on execution of personal bond or Rs.10,000/- with two sureties for the likesum.
4.	Cr.No.228/2025	The bail application is allowed enlarging the petitioner/accused No.1 on execution of personal bond or Rs.10,000/- with two sureties for the likesum.
5.	Cr.No.237/2025	The bail application is allowed enlarging the petitioner/accused No.1 on execution of personal bond or Rs.10,000/- with two sureties for the likesum.
6.	Cr.No.227/2025	The bail application is allowed enlarging the petitioner/accused on execution of personal bond or Rs.10,000/- with two sureties for the likesum.
7.	Cr.No.656/2024	The bail application is allowed enlarging the petitioner/accused No.3 on execution of personal bond or Rs.10,000/- with two sureties for the likesum.
8.	Cr.No.154/2024	The bail application is allowed enlarging the petitioner/accused No.1 on execution of personal

		bond or Rs.10,000/- with two sureties for the likesum with a condition that the petitioner/A1 shall report before the SHO, SEB, Rajamahendravaram on every Saturday in between 9.00 am., and 12.00 noon, for one month or charge sheet is filed, whichever is earlier.

8. Learned counsel for the petitioner submits that, pursuant to the impugned order of preventive detention, the detenu has been prevented from complying with the conditions imposed in the bail orders passed by the competent Courts. He submits that the facts relating to the criminal cases, including the conditions imposed while enlarging the detenu on bail, were very much available on record before respondent Nos.3 to 8. However, the said material was not taken into consideration while passing the order of detention.

9. Learned counsel further submits that the respondents failed to consider the impact and legal effect of the conditions imposed in the bail orders while passing the impugned order of detention. He placed reliance in ***Joy Kitty Joseph v. Union of India***[1] and ***Nenavath Bujji v. State of Telangana and others***[2], wherein the orders of preventive detention were set aside under similar circumstances. He further submits that, following the aforesaid decisions, this Court, in the case in W.P.No.28021 of 2025, by order dated 01.04.2026, set aside a similar order of preventive detention.

[1] (2025) 4 SCC 476
[2] (2024) 17 SCC 294

10. Learned counsel prayed that the impugned order of detention and the consequential order of confirmation be set aside, considering the legal position on the grounds of non-forwarding copies of bail.

11. As there was a delay in filing the counter-affidavit, this Court, by order dated 18.06.2026, directed the concerned authority to file the counter-affidavit, along with an affidavit of the Chief Secretary, General Administration Department.

12. Pursuant the order dated 18.06.2026, 1st respondent-Chief Secretary filed an affidavit, inter alia stating that the office of respondent No.1 had not received a copy of the writ petition or the order dated 18.06.2026 and that, upon receiving information from the office of the learned Additional Advocate General, the present affidavit was filed. It is further stated that respondent No.3 has already filed the counter-affidavit on 03.07.2026. An unconditional apology has also been tendered for the delay.

13. In view of the explanation offered, the delay in filing the counter-affidavit is condoned, and the counter-affidavit is taken on record.

14. The 3rd respondent–District Collector has filed a counter-affidavit, inter alia, stating in paragraph No.22 thereof that the detaining authority, upon thorough verification of the detenu's involvement in the eight criminal cases, her conduct, and other relevant facts, arrived at a subjective satisfaction that the activities of the detenu are prejudicial in nature and that there is every possibility

of the detenu committing similar prejudicial offences in future. Therefore, in order to prevent her from indulging in such activities, the order of preventive detention was passed.

15. Refuting the aforesaid contention, learned counsel for the petitioner submits in the reply affidavit that, though the case of the detenu was required to be placed before the Advisory Board within three weeks from the date of detention as contemplated under Section 10 of the Act, the same was considered by the Advisory Board only on 14.11.2025, despite the reference being made vide letter dated 30.10.2025. It is further submitted that the counter-affidavit does not disclose the date of submission of the Advisory Board's opinion.

16. Learned counsel for the petitioner further submits that the report of the Advisory Board was required to be submitted within seven weeks from the date of detention under Section 11 of the Act, but the date of such submission is not disclosed, and the confirmation order dated 01.12.2025 was issued beyond the prescribed period, causing prejudice to the detenu.

17. We have considered the aforesaid submissions advanced by the learned counsels for the parties, and perused the material on record.

18. It is settled law that the detaining authority is required to consider all relevant material having a bearing on the necessity of preventive detention. Where the detenu has been granted bail in the criminal cases relied upon for

passing the detention order, the said fact and the orders granting bail constitute vital material and require due consideration by the detaining authority. Failure to consider such material would vitiate the subjective satisfaction recorded by the detaining authority.

19. In ***Champion R. Sangma v. State of Meghalaya***[3] the Hon'ble Apex Court held that, where the detenu has been granted bail in the criminal cases relied upon for passing the detention order, the factum of such grant of bail is a vital circumstance which must be taken into consideration by the detaining authority. The detaining authority must record its satisfaction, based on relevant material, as to why preventive detention is still necessary despite the detenu being enlarged on bail. Mere awareness of the pendency of criminal cases or the possibility of release on bail is not sufficient; there must be a proper application of mind to the bail orders and the circumstances warranting preventive detention.

20. There is passing remarks as to this in the counter, but not in the orders. The counter cannot improve the stand of party, which was not there in the original orders.

21. In ***Joy Kitty Joseph*** (supra), the Hon'ble Apex Court reiterated that the detaining authority is required to consider all relevant and vital materials placed before it while arriving at subjective satisfaction for passing an order of

[3] (2015) 16 SCC 253

preventive detention. The Hon'ble Apex Court held that the grant of bail to the detenu in the criminal cases relied upon for detention is a material circumstance which cannot be ignored. The detaining authority must consider the effect of such bail orders and record reasons as to why, despite the detenu being enlarged on bail, preventive detention is still warranted. Non-consideration of such vital material amounts to non-application of mind and vitiates the order of detention.

22. In the present case, admittedly, the detenu was granted bail in all the eight criminal cases relied upon by the detaining authority before passing the order of detention. However, the impugned detention order does not reflect any consideration of the said bail orders or the conditions imposed therein. There is no discussion as to why the release of the detenu on bail, subject to conditions, would still necessitate her preventive detention. Therefore, the subjective satisfaction recorded by the detaining authority cannot be said to be based on consideration of all relevant material, and the impugned order of detention is vitiated on the ground of non-application of mind.

23. Applying the aforesaid principles to the facts of the case, the detenu had already been enlarged on bail in all the eight criminal cases relied upon by the detaining authority before passing the order of preventive detention. Though the said bail orders were available on record, the impugned detention order does not reflect any consideration of the same, including the conditions imposed by the competent Courts while granting bail. The detaining authority has failed to

record any satisfaction as to how, despite the detenu being released on bail subject to conditions, there was an imminent necessity to prevent her from indulging in similar prejudicial activities. Thus, the non-consideration of such vital material has resulted in non-application of mind, thereby vitiating the subjective satisfaction recorded by the detaining authority. Consequently, the impugned order of detention cannot be sustained.

24. In view of the aforesaid, we hold that the continued detention of the detenu is illegal and he is entitled to release.

25. The writ petition is ***allowed***, setting aside the impugned order of preventive detention by the 3rd respondent-The District Collector, East Godavari District, Rajamahendravaram, passed against the detenu *vide* proceedings in Ref.No.M1/537253/2025, dated 10.10.2025, as confirmed by the State *vide* G.O.Rt.No.1948, General Administration (SC-I) Department, dated 22.10.2025 and G.O.Rt.No.2244, General Administration (SC-I) Department, dated 01.12.2025. The detenu by name Smt. Potnuri Devi, W/o Chandra Rao, 40 yrs, R/o D.No.66-20-10, Ramadasupeta, Rajamahendravaram Urban, East Godavari District, Andhra Pradesh, shall be released/set free forthwith, if not required in any other case.

26. However, this order shall not preclude the detaining authority from passing a fresh order of detention, if otherwise permissible under law, by taking

into consideration all relevant material and in accordance with the provisions of the Act,1986.

No order as to costs.

As a sequel thereto, miscellaneous petitions, if any pending, shall also stand closed.

RAVI NATH TILHARI, J

PURUSHOTTAM KUMAR CHINTALAPUDI, J

Date: 05.08.2026
RPD.

170

THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI
AND

THE HONOURABLE SRI JUSTICE PURUSHOTTAM KUMAR CHINTALAPUDI

(ALLOWED)

WRIT PETITION NO: 2007 of 2026

Date: 05.08.2026

RPD.