

**THE HON'BLE SRI JUSTICE C.V.NAGARJUNA
REDDY**

AND

THE HON'BLE SRI JUSTICE G.SHYAM PRASAD

WRIT PETITION No.38873 of 2015

07.06.2016

Between:

Nagavath Samatha

..Petitioner

And

The State of Telangana,
represented by its Principal Secretary,
General Administration (Law & Order) Department,
Hyderabad and others

..Respondents

Counsel for the petitioner: Mr.B.Vijaysen Reddy for Mr.K.Venkatesh
Gupta

Counsel for the respondents: Government Pleader for Home (TS)

The Court made the following:

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ORDER: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

The petitioner, who is the wife of one Nagavath Shiva Kumar (hereinafter referred to as 'the detenu'), filed this writ petition for issue of *habeas corpus* by directing the respondents to release the detenu after setting aside the detention order, *vide* Proc.No.C1/4520/2015, dated 30.10.2015, of respondent No.2.

2. We have heard the learned counsel for both the parties and perused the record.

3. The detenu was involved in three instances of illegal possession and sale of Illicitly Distilled (I.D.) liquor, black jaggery and alum.

A perusal of the detention order, dated 30.10.2015, shows that as per COR No.335/14-15, dated 04.07.2014, the detenu was found in possession of 25 litres of ID liquor, as per COR No.662/15-16, dated 16.09.2015, he was found in possession of 100 kgs of black jaggery, 10 kgs of alum and 10 litres of I.D. liquor and as per COR No.685/15-16, dated 25.09.2015, he was found in possession of 60 litres of ID liquor. It is also evident from the record that all the criminal cases arising out of the above crimes are pending, that bail was granted to the detenu in all these cases and that the detenu is under detention from 30.10.2015.

4. Considering the fact that the detenu has already suffered detention for nearly 7½ months from 30.10.2015 and the further fact that the quantities of ID liquor, black jaggery and alum allegedly seized from him are moderate or low, we are of the opinion that he deserves to be released at this stage. It is, however, made clear that this order shall not be understood as this Court holding the detenu either as innocent or not guilty of the charges levelled against him in the pending criminal cases, which shall be disposed of on their own merits, without regard to the result of this writ petition. It is further made

clear that if the detenu continues to indulge in offences in future, this order will not preclude the respondents from taking appropriate action, in accordance with law.

5. The Writ Petition is accordingly allowed as prayed for. The impugned order of detention, dated 30.10.2015, is set aside and the detenu – Mr.Nagavath Shiva Kumar shall be released forthwith from detention.

6. As a sequel to allowing the Writ Petition, W.P.M.P.No.50056 of 2015 filed by the petitioner for interim relief shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

G.SHYAM PRASAD, J

07th June, 2016
GHN

