

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

AND

THE HON'BLE SRI JUSTICE G.SHYAM PRASAD

WRIT PETITION No.39677 of 2015

07.06.2016

Between:

Smt.P.Nanda Bai

..Petitioner

And

The State of Telangana,
represented by its Principal Secretary,
Home Department,
Hyderabad and others

..Respondents

Counsel for the petitioner: Mr.S.Vijay Prashanth

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 father of one D.Kapil Singh (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.C2/3740/2015, dated 14.10.2015, 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 number of instances of illegal possession, transportation and sale of Illicitly Distilled (I.D.) liquor.

The counter-affidavit filed by respondent No.2 shows five such instances *viz.*, as per COR No.2718/2014-15, dated 18.03.2015, the detenu was found in possession of 42 sachets of I.D. liquor, each of about 100 ml, as per COR No.723/2015-16, dated 04.07.2015, he was found in possession of 580 sachets of I.D. liquor each of about 100 ml, as per COR No.939/2015-16, dated 06.08.2015, he was found in possession of 280 sachets of I.D. liquor each of about 100 ml, as per COR No.1159/2015-16, dated 04.09.2015, he was found in possession of 250 sachets of I.D. liquor each of about 100 ml and as per COR No.1356/2015-16, dated 07.10.2015, the detenu was found in possession of 40 litres of I.D. liquor. It is also evident from the record that all the criminal cases arising out of the above crimes are pending and that the detenu is under detention since 07.10.2015.

4. Considering the fact that the detenu has already suffered detention for nearly 8 months from 07.10.2015 and the further fact that the quantities of ID liquor 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 repeating commission of 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 14.10.2015, is set aside and the detenu – Mr.D.Kapil Singh shall be released forthwith from detention.

6. As a sequel to allowing the Writ Petition, W.P.M.P.No.51191 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

