

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY
AND
THE HON'BLE SRI JUSTICE G. SHYAM PRASAD

WRIT PETITION NO.5038 OF 2016

DATED:13-07-2016

Between:

Smt. V. Shasikala ... Petitioner

And

The State of Telangana
Rep. by its Principal Secretary
Home Department
Secretariat Buildings
Hyderabad
and others ... Respondents

COUNSEL FOR THE PETITIONER: Mr. Challa Ajay Kumar

COUNSEL FOR THE RESPONDENTS: G.P. for Home (TS)

THE COURT MADE THE FOLLOWING:

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

The detention of one Mr. Vemula Krishnam Raju, the husband of the petitioner (hereafter referred to as 'the detenu'), is assailed in this writ petition.

This case need not detain us for long, for the simple reason that as per the grounds for detention, under ground No.1 it is clearly stated as under:

“... ..

The Investigation Officer registered the case against you in COR No.20/2015-16, dated 04.04.2015 of Prohibition & Excise Station, Rajendranagar u/s. 7(A) r/w 8(e) of A.P. Prohibition Act, 1995. You, Sri Vemula Krishnam Raju, S/o. Vemula Yadaiah, aged about 24 years, R/o. H.No.5-16, Himayath Sagar (V), Rajendranagar (M), Ranga Reddy District were arrested and produced before the Hon'ble Special JFCM-cum-XII MM at L.B. Nagar, R.R. District on 14-11-2015 and sent for judicial remand.

You, Sri Vemula Krishnam Raju, S/o. Vemula Yadaiah, aged about 24 years, R/o. H.No.5-16, Himayath Sagar (V), Rajendranagar (M), Ranga Reddy District have possessed and transported illicit distilled liquor for sale purpose and repeatedly committing the offence of supplying and selling illicit distilled liquor which is harmful to human health and endangering public order.

The sample of illicit distilled liquor drawn from the contraband seized was sent for chemical analysis and the Govt. Chemical Examiner had opined in his Report No.2139/2015/20, dt.18.04.2015, that the sample is illicitly distilled liquor and unfit for human consumption and injurious to health.”

Nowhere in the detention order or in the grounds for detention it is stated that respondent No.3 has reason to believe on the basis of the reliable material placed before him that there is a real possibility of his release on bail, that on being released, he would in all probability indulge in prejudicial activities, and that therefore it is felt essential to detain him to prevent him from so doing. The above requirements are essential for sustaining the order of detention as held by the Supreme Court in a catena of judgments (*N. Meera Rani v. Government of Tamil*

Nadu^[1], *Dharmendra Suganchand Chelawat v. Union of India*^[2],
Kamarunnissa v. Union of India^[3], and *Union of India v. Paul*
Manickam^[4]).

In the light of the above noted facts and the law, the impugned order of detention of the detenu cannot be sustained and the same is accordingly set aside.

The writ petition is accordingly allowed.

As a sequel to disposal of the writ petition, W.P.M.P. No.6432 of 2016 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

G. SHYAM PRASAD, J

13-07-2016

bnr

^[1] (1989) 4 SCC 418

^[2] (1990) 1 SCC 746

^[3] (1991) 1 SCC 128

^[4] (2003) 8 SCC 342