

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

WRIT PETITION NO.6648 OF 2016

DATED:22-06-2016

Between:

B. Ramakka ... Petitioner

And

The State of Telangana
Rep. by its Chief Secretary to Government
General Administration (Law & Order) Department
Hyderabad
Telangana State
and others ... Respondents

COUNSEL FOR THE PETITIONER: Mrs. Suvarna Jayasri

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

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THE COURT MADE THE FOLLOWING:

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

The detention of one Mr. Bodas Yellaiah (hereinafter referred to as 'the detenu') under the provisions of Section 3(1) and (2) read with Section 2(a) and (b) of the Telangana Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug Offenders, Goondas, Immoral Traffic Offenders and Land Grabbers Act, 1986 (for short, 'the Act'), is assailed in this writ petition, by the wife of the detenu.

We have heard Mrs. Suvarna Jayasri, learned counsel for the petitioner, and the learned Government Pleader for Home (TS).

A perusal of the detention order shows that the detenu was detained on the allegation that he is a bootlegger involved in possession of illicitly distilled liquor of quantities ranging from 10 to 100 litres. Learned counsel for the detenu submitted that her client has suffered detention for more than seven months and he is prepared to leave Kammarapally Mandal of Nizamabad District and live outside the said area till the detention period is over. Learned Government Pleader for Home (TS) submitted that if the detenu does not enter the above mentioned area at least till the detention period is over, the Court may consider passing appropriate orders.

On a careful consideration of the facts and circumstances of the case and the submissions of the learned counsel for both the parties, particularly the fact that the liquor seized from the possession of the detenu ranges from small to moderate quantities and that he has suffered detention for more than seven months, we are of the opinion that the following order would meet the ends of justice.

The detenu shall be released forthwith from the detention subject to his giving a written undertaking addressed to respondent No.2, to the effect that he shall leave the Kammarapally Mandal of Nizamabad District and live outside the said area till the detention period is over,

and handing over the same to the Superintendent, Central Prison, Charlapalli, in which he is presently detained. It is however made clear that if the detenu repeats his conduct of committing offences in future, the respondents shall be free to initiate a fresh action against him in accordance with law.

The impugned orders of detention and confirmation are accordingly quashed and the writ petition is allowed.

As a sequel to disposal of the writ petition, W.P.M.P. No.8464 of 2016 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

G. SHYAM PRASAD, J

22-06-2016

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