

**HON'BLE SRI JUSTICE SURESH KUMAR KAIT
AND
HON'BLE SRI JUSTICE U.DURGA PRASAD RAO**

WRIT PETITION No.8931 of 2017

ORDER : (Oral)

(Per Hon'ble Sri Justice Suresh Kumar Kait)

Vide the present petition, petitioner has challenged the detention order dated 23.12.2016, passed by the 2nd respondent in R.C.No.C1/5400/2016 and the subsequent orders of approval passed by the 1st respondent in G.O.Rt.No.547, General Administration (Spl. Law & Order) Department, dated 23.02.2017, whereby, the brother of the petitioner has been detained.

2. Counsel for petitioner submits that only two cases are registered against the detenu on the file of Prohibition and Excise Station, Wyra i.e. Crime Nos.88 and 156 of 2016 for the offence punishable under Section 7(A) r/w. 8(e) of A.P. Prohibition Act, 1995. It is not in dispute that in Crime No.88 of 2016, 4 litres of I.D. liquor was seized and in Crime No.156 of 2016, 10 litres of I.D. liquor was seized from the detenu. Counsel for petitioner further submits that in similar circumstances, in W.P.No.5114 of 2017, when 20 litres of I.D. liquor was seized from the detenu therein, this Court considered that quantity as a low and moderate quantity and quashed the detention order.

3. The learned Government Pleader appearing on behalf of the State does not dispute the order dated 19.07.2017, passed in W.P.No.5114 of 2017 and has fairly conceded that the quantity of liquor seized in the said case was higher than the quantity seized in the present case.

4. Keeping in view the low quantity of liquor seized from the detenu, which in our considered view, will not have any adverse impact on public order, we deem it appropriate to quash the impugned detention order, subject to the condition that the detenu shall leave Laxmipuram village and also Konijerla Mandal on his release from detention. Before he is released from the detention, the detenu shall execute a written undertaking addressed to the 2nd respondent stating that immediately after his release from the detention, he will proceed to Khammam town and stay at that place till the expiry of the period of detention i.e. 23.12.2017 and hand over the same to respondent No.3. On receipt of such undertaking from the detenu, respondent No.3 shall forward the same to respondent No.2, who shall be free to take appropriate action against the detenu in the event of violation of his undertaking.

5. In view of above, the impugned detention order dated 23.12.2016 and the subsequent orders in G.O.Rt.No.547, dated 23.02.2017, are hereby quashed. Consequently, the Superintendent, Central Prison, Warangal is directed to release the detenu after receiving the written undertaking as mentioned above, if he is not required in any other criminal case.

6. With the above directions, the writ petition is allowed. No order as to costs.

7. Pending miscellaneous applications shall stand closed.

22nd November, 2017

N.B : Issue C.C. by tomorrow.

(b/o) ajr

SURESH KUMAR KAIT, J

U.DURGA PRASAD RAO, J