

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY
AND
THE HON'BLE SRI JUSTICE M.S.K. JAISWAL

Writ Petition No.6951 of 2017

DATED:19-07-2017

Between:

Pasala Gangaraju ... Petitioner

And

The State of Andhra Pradesh
Represented by its Principal Secretary
General Administration (Law and Order) Department
Secretariat, Velagapudi
Amaravathi, Guntur District
and others ... Respondents

COUNSEL FOR THE PETITIONER: Mr. P. Prabhakara Rao

COUNSEL FOR THE RESPONDENTS: Mr. C. Suryaprakasa Rao,
Special Government Pleader,
attached to the office of the
Advocate General (AP)



THE COURT MADE THE FOLLOWING:

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

This writ petition is filed for issue of habeas corpus by quashing the order in Rc. No.C1/M/968/2016, dt.13.12.2016, of respondent No.2, whereby he has ordered detention of one Pasala Sattibabu ("the alleged detenu"). The said order was approved vide G.O. Rt. No.2598, General Administration (Law & Order) Department, dt.22.12.2016.

The allegation on which the impugned detention order passed was that the alleged detenu has been indulging in bootlegging, i.e., by sale/distribution of illicitly distilled liquor, ranging from 30 to 50 litres.

Considering the low or moderate quantities of liquor, this Court is of the opinion that it is appropriate to quash the detention order, as approved vide the impugned G.O., subject to the condition that the alleged detenu shall leave Rajamahendravaram area immediately on his release from his detention and stay in Kakinada Town. Before he is released from the detention, the alleged detenu shall execute a written undertaking addressed to respondent No.2 stating that immediately after his release from the detention he will proceed to Kakinada Town and stay at that place till the expiry of the period of detention, i.e., 13.12.2017, and handover the same to the Superintendent, Central Prison, Rajamahendravaram. On receipt of such undertaking from the detenu, the said Superintendent 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.

With the above directions, the writ petition is disposed of, and the impugned detention order, as approved by respondent No.1, vide G.O. Rt. No.2598, dt.22.12.2016, is quashed.

C.V. NAGARJUNA REDDY, J

M.S.K. JAISWAL, J

19-7-2017

bmr