

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

Writ Petition No.5114 of 2017

DATED:19-07-2017

Between:

Maloth Dhanju ... Petitioner

And

The State of Telangana
Rep. by its Principal Secretary (Poll.),
General Administration (Law & Order) Department,
Secretariat
Hyderabad
and others ... Respondents

COUNSEL FOR THE PETITIONER: Mr. K. Rajasekhar

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)

This writ petition is filed for issue of habeas corpus by quashing the order in Rc. No.C1/29/2017, dt.07.1.2017 of respondent No.2, whereby he has ordered detention of one Maloth Rajesh Kumar @ Rajesh ("the alleged detenu"). The said order was approved vide G.O. Rt. No.163, General Administration [Spl. (Law & Order)] Department, dt.17.01.2017, and confirmed vide G.O. Rt. No.724, General Administration [Spl. (Law & Order)] Department, dt.16.3.2017.

The allegation on which the impugned detention order passed was that the alleged detenu has been indulging in bootlegging, i.e., by sale of illicitly distilled liquor, black jaggery and alum.

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 and confirmed vide the impugned G.Os., subject to the condition that the alleged detenu shall leave Rudrampur Village and surrounding areas immediately on his release from his detention and stay in Khammam 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 Khammam Town and stay at that place till the expiry of the period of detention, i.e., 7.1.2018, and handover the same to respondent No.3. On receipt of such undertaking from the detentu, 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.

With the above directions, the writ petition is disposed of, and the impugned detention order, as approved and confirmed vide G.O. Rt. No.163, dt.17.1.2017 and G.O. Rt. No.724, dt.16.3.2017 respectively, is quashed.

C.V. NAGARJUNA REDDY, J

M.S.K. JAISWAL, J

19-7-2017

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