

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

W.P.No.31448 of 2017

ORDER:

Petitioner has assailed the proceedings dt.22.08.2017 in reference No.04/2017 of the 3rd respondent demanding a sum of Rs.50,000/- from the petitioner on the ground that having executed a bond for good behaviour on 27.02.2017 in M.C.No.4 of 2017 before the Tahsildar, Burgapahad, he was found to be desperate, dangerous and hazardous to the community, if allowed to be at large without security, as he was found to be in possession of (3) liters of Illicitly Distilled Liquor by the Proh. & Excise Station Officer, Bhadrachalam on 16.08.2017 at Nagineniprolu Reddyapalem, which is a prohibited item.

2. Counsel for petitioner contends that mere arraignment in crime, details of which are not even mentioned in the impugned order, cannot be taken as conviction for the said crime, on the basis of which the respondent can demand a sum of Rs.50,000/- covered by a bond given by the petitioner on 27.02.2017 to the Tahsildar, Burgapahad for his good behaviour. He placed reliance on the order dt.06.06.2017 in W.P.No.17079 of 2017.

3 The Government Pleader for Excise appearing for respondents does not dispute the legal principle that mere arraignment in a criminal case cannot be taken as conviction and it cannot be said that the petitioner had committed a breach of the bond furnished by him for maintaining good behaviour.

4 Therefore this Writ Petition is allowed and the impugned order dt.22.08.2017 is set aside. However, this will not preclude the respondents from enforcing the bond, in the event petitioner is convicted of the said offence at a later point of time. No costs.

5 Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

M.S.RAMACHANDRA RAO, J

15th September, 2017.

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