

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.36632 of 2017

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India assailing the proceedings, dated 12.09.2017, in Case No.33/2017, issued by the 2nd respondent/Executive Magistrate/Tahsildar, Doultabad Mandal, Vikarabad District. By the said notice, a forfeiture of a sum of Rs.1,00,000/- to the Government was directed in the context of alleged breach of bond for good behaviour by committing an alleged offence under Section 7-A read with 8(e) of the Prohibition Act in Crime No.300 of 2017 registered on 21.08.2017 by the Station House Officer, Pargi.

2. I have heard the submissions of the learned counsel for the petitioner and the learned Assistant Government Pleader for Prohibition and Excise for respondents 1 to 3. I have perused the material record.

3. At the hearing, learned counsel appearing for both sides submit that in matters of identical nature, this Court is passing appropriate orders.

4. Learned counsel for the petitioner placed on record an order, dated 16.12.2015, of this Court in W.P.No.40809 of 2015, wherein this Court opined that mere arraignment in an offence cannot be taken to be a conviction whereby it could be said that the petitioner had committed a breach of the bond furnished by him for maintaining good behaviour.

5. Having regard to the facts and submissions and following the decision of this Court in the afore-stated writ petition, the impugned notice is held to be unsustainable and is, accordingly, set aside and the Writ Petition is, accordingly, allowed. The petitioner, who was said to have been imprisoned pursuant to the order impugned, which is now set

aside, shall be set at liberty forthwith, if his presence is not required in connection with any other case.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE M. SEETHARAMA MURTI

Date: 2nd November, 2017

Note: Issue C.C. today.

(B/o.)
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