

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

WP.No.9906 of 2018

ORDER :

Heard the counsel for petitioner, and the learned Government Pleader for Prohibition and Excise, for respondent nos.1 to 3.

2. The challenge in this Writ Petition is to the notice dt.19.01.2018 issued by the 2nd respondent, impugned herein.

3. Under the said notice, the 2nd respondent exercised powers under Section 122(b) of Cr.P.C. and ordered petitioner's father by name Amboth Balu to pay a sum of Rs.1 lakh in the context of the said person being bound over for good behaviour on 01.06.2017 for a likesum.

4. The impugned notice reflects that being bound over, the petitioner's father was implicated in COR.No.57 of 2016 in relation to an offence under Section 7(A) read with Section 8(e) of the Andhra Pradesh Prohibition Act, 1995. Owing to his alleged involvement in the said offence, the 2nd respondent concluded that he committed breach of the bond furnished by him under Section 110 Cr.P.C.

5. This Court is of the opinion that mere arraignment in an offence cannot be taken to be a conviction whereby it could be said that the accused had committed a breach of the bond furnished by him for maintaining good behaviour.

6. Thus, on this count, the impugned order dt.19.01.2018 is unsustainable and is therefore set aside. As a consequence, the detention of Amboth Balu owing to the failure to pay the amount of penalty would also be rendered illegal.

7. Therefore, the Writ Petition is allowed. No order as to costs.

8. As a sequel, miscellaneous petitions pending if any in this Writ Petition, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Note : Issue C.C. today.

B/o.

Date: 27.03.2018

Ndr/*

