

**THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY**

**AND**

**THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD**

**WRIT PETITION No. 24594 OF 2017**

**DATED 30<sup>TH</sup> JANUARY, 2018**

Between:

Nenavath Devender

... Petitioner

AND

The State of Telangana,  
Rep. by its Chief Secretary to Government,  
General Administration (L & O) Department,  
Secretariat, Hyderabad, and others

... Respondents

Counsel for the petitioner

:

Sri N.Avaneesh

Counsel for the respondents

:

G.P. for Home (T.S.)

**THE COURT MADE THE FOLLOWING**

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

Order in proceedings No. C3/2361/2017 dated 18-05-2017 of respondent No. 2, as approved in G.O.Rt.No. 1164 General Administration (Spl. (Law & Order) Department dated 25-05-2017 by respondent No. 1, is questioned in this Writ Petition by the petitioner who is the son of Nenavath Ravinder (hereinafter referred to as 'the detenu') who was detained under the aforementioned proceedings.

2. A perusal of the record shows that the detenu was detained under the provisions of the Telangana Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug Offenders, Goondas, Immoral Traffic Offenders and Land Grabbers Act, 1986, on the allegation that he is a habitual bootlegger and accused in COR.Nos. 116 and 171 of 2016 of Prohibition and Excise Station, Amangal, registered for the offences under Section 7 (A) read with Section 8 (e) of the Andhra Pradesh Prohibition Act, 1995, for possessing, transporting and sale of 10 liters and 7 liters of illicitly distilled liquor respectively.

3. Though various grounds have been raised on which challenge is mounted against the impugned order, learned counsel for the

petitioner has submitted that as the detenu served the detention for nearly 8 ½ months and considering the fact that the quantities of I.D. liquor allegedly seized from the detenu are not substantial, the Court may take a lenient view and order his release. Learned counsel has further submitted that the detenu is prepared to leave the limits of Rachakonda Commissionerate Area for the rest of the detention period and that he will not enter the abovementioned limits for the said period.

4. Learned Government Pleader for Home (T.S.) has submitted that if the detenu does not enter the limits of Rachakonda Commissionerate Area for the remaining period of detention, the Court may consider passing appropriate orders.

5. Considering the fact that the quantities of I.D. liquor allegedly in possession of the detenu are low or moderate and the further fact that the detenu is agreeable for leaving the present place for the unexpired period of detention coupled with the fact that he has suffered detention for a period of more than eight months, we feel it appropriate to set aside the detention order in the following terms:

- (i) The detenu shall leave the limits of Rachakonda Commissionerate Area for the unexpired period of detention and he shall not enter the abovementioned limits for the said period; and
- (ii) The detenu shall submit a written undertaking to the abovementioned effect addressed to respondent No. 2 and handover the same to the Superintendent, Central Prison, Cherlapally, before he is released from the jail.

6. The Writ Petition is, accordingly, allowed. The detenu shall be forthwith set at liberty if he is not required in connection with any criminal case.

7. As a sequel to disposal of the Writ Petition, W.P.M.P.No. 30453 of 2017 shall stand closed as infructuous.

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***C.V.NAGARJUNA REDDY, J.***

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***GUDISEVA SHYAM PRASAD, J.***

Date: 30-01-2018.

JSK