

**HON'BLE SRI JUSTICE SURESH KUMAR KAIT
AND
HON'BLE SRI JUSTICE T. AMARNATH GOUD**

WRIT PETITION No.26491 of 2017

ORDER: (Oral)

(Per Suresh Kumar Kait, J)

Vide the present petition, the petitioner has challenged order dated 25.05.2017 passed by the 4th respondent and subsequent order dated 22.07.2017 passed by the 1st respondent vide G.O.Rt.No.1582 dated 22.07.2017, whereunder the detenue is detained since then.

Learned counsel appearing on behalf of the petitioner submits that respondents have relied upon the following three cases:

1. Cr.No.35/2016 dated 08.03.2016 under Section 7(A) read with Section 8(e) of A.P. Prohibition Act on the file of Excise Station, Telkapally;
2. Cr.No.80/2016 dated 23.05.2016 under Section 34(3) of A.P. Excise Act, 1968 on the file of Excise Station, Telkapally and
3. Cr.No.11/2017 dated 28.01.2017 under Section 34(e) of A.P. Excise Act, 1968 on the file of Excise Station, Telkapally.

Learned counsel for the petitioner submits that due to the acts of the detenue, there may be a problem of law and order, however, it is not prejudicial to public order; therefore, detention order dated 25.05.2017 has been passed without application of mind and without any material on record. To strengthen his argument, learned counsel for the petitioner has relied upon the decision of the Hon'ble Supreme Court in *Mrs.T.Devaki v. Govt. of Tamil Nadu and ors.*¹

It is not in dispute that in the first case mentioned above, 200 litres of I.D.liquor was recovered from the detenue and in second case, 32 plastic

¹ AIR 1989 SC 491

bags each containing about 30 kgs. of black jaggery were recovered from the detainee and in third case, 40 kgs. of black jaggery each in two bags (total 80 kgs.) were recovered from the detainee, which is the raw material for manufacture of I.D.liquor.

The consumption of I.D.liquor made of black jaggery, alum is unfit for human consumption and can positively cause danger to human health and sale of such contraband would cause a serious threat and danger to public health at large and thus adversely affects the public order within the meaning of Section 2(a) of the Telangana Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug Offenders, Goondas, Immoral Traffic Offenders and Land Grabbers Act, 1986. The detention authority accordingly opined that, to recourse to normal law would involve considerable time and may not be effective deterrent in preventing the detainee from indulging in similar further activities which are prejudicial to maintenance of public order in and around Telkapally, Nagarkurnool District. It is mentioned in the grounds of detention that from the material placed before the detaining authority in one case, detainee has absconded from the spot, later on arrested; notice under Section 41 Cr.P.C., was issued to the detainee and he was released. In the second case, detainee was arrested and remanded to judicial custody and later on released on bail and in the third case, detainee was absconding and unless and until he is detained, there is every likelihood that he would again and again indulge in such illegal activities of bootlegging and therefore it is imperative to prevent him from acting in any manner prejudicial to maintenance of public order.

Having regard to the facts and circumstances of the case on hand, the aforesaid decision relied upon by the learned counsel for the petitioner would not render any assistance in support of the case of the petitioner.

In view of the facts recorded above, we are of the considered opinion that there is no illegality or perversity in the order dated 25.05.2017 passed by

the detaining authority. Finding no merit in the writ petition, we, hereby, confirm the same.

Petition is accordingly dismissed. No order as to costs.

As a sequel, miscellaneous petitions, if any pending in the petition, stand closed.

SURESH KUMAR KAIT, J

T. AMARNATH GOUD, J

January 02, 2018
MRR

