

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.11498 OF 2019

Date: 12.06.2019

Between:

Shakthi Narender Singh, s/o. Suresh Singh,
Aged 24 years, r/o. H.no.1011-79,
Pardhiwada, Fathenagar, Balangar (M),
Medchal district.

.....Petitioner

And

The State of Telangana, Excise Department,
rep.by its Prl.Secretary, Secretariat, Hyderabad
and others.

.....Respondents



The Court made the following:

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.11498 OF 2019

ORDER:

Challenge in this writ petition is to the 'Notice for Forfeiture of Bond for Good Behavior' dated 25.05.2019 issued by the Tahsildar, Balanagar Mandal, Medchal district, whereby the Tahsildar directed payment of penalty of 2.00 lakhs or called upon the petitioner to show cause as to why he should not be subjected to imprisonment.

2. The basis for the impugned notice is the finding of the Tahsildar that, having offered to maintain good behavior for a period of one year, the petitioner committed a breach inasmuch as a case in Crime No.71 of 2018 was registered by the Prohibition & Excise Station, Balanagar, against him under Section 8(c) r/w 20(b)(ii)(B) of NDPS Act, 1985. The impugned notice reflects that the petitioner was not given an opportunity to explain his stand before the penalty was imposed. That apart, mere institution of a criminal case against him would not, by itself, constitute breach of the bond furnished by him as it cannot be treated on par with conviction. Thus, on both these counts, the impugned notice dated nil, is unsustainable on facts and in law.

3. The Writ Petition is accordingly allowed setting aside the impugned notice dated 25.05.2019. It is, however, made clear that this order would not preclude the authorities from proceeding in the matter in accordance with the principles of natural justice in future, if warranted. Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE P.NAVEEN RAO

Date: 12.06.2019

kkm

HON'BLE SRI JUSTICE P.NAVEEN RAO



WRIT PETITION NO.11498 OF 2019

Date: 12.06.2019

kkm