

**THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER
AND
THE HON'BLE SMT. JUSTICE JUVVADI SRIDEVI**

WRIT PETITION Nos.35272 OF 2021 AND 13952 OF 2022

COMMON ORDER: (Per Hon'ble Dr. Justice Shameem Akther)

Though the petitioners in both these Writ Petitions are different, since the issue involved is same, these Writ Petitions are being taken up together and disposed of by way of this common order.

2. W.P.No.35272 of 2021 is filed by Smt. Bochu Shivani, who is the wife of the detenu, namely, Bochu Bhanuchander, and W.P.No.13952 of 2022 is filed by Smt. G. Sunitha, who is the wife of the detenu, namely, Guguloth Veeru @ Heeru Naik. The petitioners herein filed the present Habeas Corpus petitions challenging the separate detention orders vide C.No.580/WRC/CSB-XI/2021, dated 30.10.2021, and C.No.604/WRC/CSB-XI/2021, dated 11.11.2021, passed by the Commissioner of Police, Warangal, whereby, the detenus were detained under Section 3(2) of the Telangana Preventive Detention Act, 1986 (Act 1 of 1986), and the consequential confirmation orders vide G.O.Rt.Nos.181 and 295, General Administration (Spl. (Law & Order)) Department, dated 28.01.2022 and 05.02.2022, respectively, passed by the respondent

No.1-Principal Secretary to Government, General Administration (Spl. (Law & Order)) Department, Government of Telangana.

3. Heard the learned counsel for petitioners, the learned Assistant Government Pleader for Home appearing for the respondents and perused the record.

4. Learned counsel for the petitioners would submit that the detention order impugned in W.P.No.35272 of 2021 was passed by relying on two Crimes registered against the *detenu* therein viz., Crime No.58 of 2021 of Ghanpur (M) Police Station registered for the offence under Section 8 (c) read with 20 (b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'NDPS Act') and Crime No.176 of 2021 of Parkal Police Station registered for the offence under Section 8 (c) read with 20 (b) of the NDPS Act, and the detention order impugned in W.P.No.13952 of 2022 was passed by relying on a solitary crime registered against the *detenu* therein viz., Crime No.176 of 2021 of Parkal Police Station, registered for the offence under Section 8 (c) read with 20 (b) of the NDPS Act. The detention orders passed against the co-accused in the said crimes were already set aside by this Court vide orders, dated 20.04.2022, passed in W.P.Nos.1818 and 12084 of 2022, and ultimately, prayed

to set aside the impugned detention orders and the consequential confirmation orders.

5. Learned Assistant Government Pleader for Home did not dispute the submission made by the learned counsel for the petitioners.

6. As seen from the material placed on record and the submissions made, it is clear that the detention orders passed against the co-accused in the subject crimes viz., Crime No.58 of 2021 of Ghanpur (M) Police Station and Crime No.176 of 2021 of Parkal Police Station, were already set aside by this Court vide orders, dated 20.04.2022, passed in W.P.Nos.1818 and 12084 of 2022. Moreover, the impugned detention orders were passed without adhering to the requirements/mandate given under Section 3(2) of the Telangana Act 1 of 1986 and by relying on the crime/s registered for the offence punishable under Section 8 (c) read with 20 (b) of the NDPS Act, which do not add up to disturbing the public order and it is only a law and order problem. Under these circumstances and since the facts and circumstances of the present cases are akin to the facts and circumstances in W.P.Nos.1818 and 12084 of 2022, the impugned orders are liable to be set aside.

7. In the result, the Writ Petitions are allowed. The impugned detention orders vide C.No.580/WRC/CSB-XI/2021 and C.No.604/WRC/CSB-XI/2021, dated 30.10.2021 and 11.11.2021, respectively, passed by the Commissioner of Police, Warangal Commissionerate, and the consequential confirmation orders vide G.O.Rt.Nos.181 and 295, General Administration (Spl. (Law & Order)) Department, dated 28.01.2022 and 05.02.2022, respectively, passed by the respondent No.1, are hereby set aside. The respondents are directed to set the *detenus*, namely Bochu Bhanuchander, S/o. Babu, and Guguloth Veeru @ Heeru Naik, S/o. Pakeera, at liberty forthwith, if they are no longer required in any other criminal case.

Miscellaneous petitions, if any, pending in these Writ Petitions, shall stand closed. There shall be no order as to costs.

Dr. SHAMEEM AKTHER, J

JUVVADI SRIDEVI, J

Date: 28-04-2022.
MD