

THE HON'BLE SRI JUSTICE A.ABHISHEK REDDY
AND

THE HON'BLE SRI JUSTICE PULLA KARTHIK

WRIT PETITION No.41375 of 2022

ORDER: {Per the Hon'ble Sri Justice A.Abhishek Reddy}

Sri Erupula Vittal, the petitioner, has filed this Habeas Corpus Petition, on behalf of his son, Erupula Vishal, the detenu, challenging the detention order *vide* No.543/WRC/CSB-XI/2022, dated 21.09.2022, passed by the respondent No.2-Commissioner of Police, Warangal, whereby, the detenu was detained under Section 3(2) of the Telangana Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug-Offenders, Goondas, Immoral Traffic Offenders, Land Grabbers, Spurious Seed Offenders, Insecticide Offenders, Fertiliser Offenders, Food Adulteration Offenders, Fake Document Offenders, Scheduled Commodities Offenders, Forest Offenders, Gaming Offenders, Sexual Offenders, Explosive Substances Offenders, Arms Offenders, Cyber Crime Offenders and White Collar or Financial Offenders Act, 1986 (in short, 'the PD Act'), and the consequential confirmation order *vide* G.O.Rt.No.2130, General Administration

(Spl. Law & Order) Department, dated 14.11.2022, passed by the respondent No.1.

2. Heard the learned counsel for the petitioner, the learned Special Government Pleader appearing for the respondents and perused the record.

3. The case of the petitioner is that by relying on a solitary crime *viz.*, Crime No.80/2022 of Madikonda Police Station, registered for the offence under Section 8(C) r/w 20(b)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'NDPS Act'), the respondent No.2 has passed the impugned detention order dated 21.09.2022. It is further stated that the detention order passed against Accused No.6 in Crime No.80/2022 was already set aside by this Court *vide* order dated 22.11.2022 passed in W.P.No.37976 of 2022, and ultimately, prayed to set aside the impugned detention order and the consequential confirmation order.

4. The learned Special Government Pleader does not dispute the above submissions made by the learned counsel for the petitioner.

5. As seen from the material placed on record and the submissions made, it is clear that the detention order passed against Accused No.6 in Crime No.80/2022 was already set aside by this Court *vide* order dated 22.11.2022 passed in W.P.No.37976 of 2022. Moreover, the impugned detention order was passed without adhering to the requirements/mandate given under Section 3(2) of the PD Act and by relying only on a solitary crime registered for the offences punishable under Section 8(C) r/w 20(b)(ii)(C) of the NDPS Act, which do not add up to “disturbing the public order” and which is only a “law and order” problem. Under these circumstances and since the facts and circumstances of the present case are akin to the facts and circumstances in W.P.No.37976 of 2022, dated 22.11.2022, the impugned orders are liable to be set aside.

6. In the result, the Writ Petition is allowed. The impugned detention order *vide* No.543/WRC/CSB-XI/2022, dated 21.09.2022, passed by the respondent No.2, and the consequential confirmation order *vide* G.O.Rt.No.2130 dated 14.11.2022, are hereby set aside. The respondents are directed to set the detenu,

namely, Erupula Vishal S/o.Vittal at liberty forthwith, in case he is no longer required in any other criminal case. However, it is made clear that in case the detenu involves in any other crime of similar nature, the authorities concerned are free to take necessary action including passing of detention order against him.

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

A.ABHISHEK REDDY, J

PULLA KARTHIK, J

Date : 26.12.2022
NSP/va