[THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI
AND
THE HON'BLE SRI JUSTICE PULLA KARTHIK

WRIT PETITION No.45493 OF 2022

ORDER: (per AKS,J)

Sri Sankar Bisoyi, the petitioner, has filed this Habeas Corpus petition on behalf of his friend, Dammuni Nayak @ Shashi Nayak, the detenu, challenging the detention order vide C.No.383/WRC/CSB-X1/2022, dated 13.07.2022, 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, Fertilizer 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 (as amended by Act No.13 of 2018) (for short, 'Act 1 of 1986'), and the consequential confirmation order passed by the 1st respondent.

2. Heard Ms. R. Sowmya Reddy, learned counsel for the petitioner and Sri S. Mujib Kumar, learned Special Government Pleader, representing the learned Advocate General appearing for the respondents.

3. Learned counsel for the petitioner has contended that the impugned detention order, dated 13.07.2022, was passed by relying on a solitary crime registered against the detenu *viz*., Crime No.108 of 2022 of Matwada Police Station, registered for the offences under Sections 8(c) read with 20(b)(ii)(C) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985. This Court, in similar circumstances, *vide* order, dated 23.09.2022, passed in W.P.No.30726 of 2022, was pleased to set aside the detention order passed against the detenu therein on the ground that the detenu therein was detained basing on a solitary crime registered against him. Admittedly, in the instant case also, the detenu was detained basing on a solitary crime registered against him. In view of the same, the respondents ought not to have invoked the provisions under Section 3(2) of the Act 1 of 1986 and detained the detenu. Therefore, appropriate orders be passed in the

Writ Petition by setting aside the impugned detention order, dated 13.07.2022, by following the order, dated 23.09.2022, passed by this Court in W.P.No.30726 of 2022.

4. The learned Special Government Pleader appearing for the respondents did not dispute the submissions made by the learned counsel for the petitioner.

5. In view of the same, the impugned detention order, dated 13.07.2022, and the consequential confirmation order passed by the 1st respondent, are liable to be set aside by following the order, dated 23.09.2022, passed by this Court in W.P.No.30726 of 2022.

6. In the result, the Writ Petition is allowed. The impugned detention order vide C.No.383/WRC/CSB-X1/2022, passed by the respondent No.2, and the consequential confirmation order passed by the 1st respondent, are hereby set aside. The respondents are directed to set the *detenu*, namely Dammuni Nayak @ Shashi Nayak, at liberty forthwith, if he is no longer required in any other criminal case.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

ABHINAND KUMAR SHAVILI, J

PULLA KARTHIK, J

Date: 27-01-2023.
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