

**HIGH COURT FOR THE STATE OF TELANGANA  
AT HYDERABAD  
(Special Original Jurisdiction)**

**THURSDAY, THE THIRTIETH DAY OF JUNE**

**TWO THOUSAND AND TWENTY TWO**

**PRESENT**

**THE HONOURABLE DR. JUSTICE SHAMEEM AKTHER  
AND**

**THE HONOURABLE SMT JUSTICE JUVVADI SRIDEVI**

**WRIT PETITION NO: 20260 OF 2022**

**Between:**

Gadidesh Manoj, S/o. Eshwar Rao, aged 22 years. Occ ; Auto Driver, R/o. Rajeev Nagar of Sarapaka, Bhadadri Kothaganddem District.

**...PETITIONER**

**AND**

1. The State of Telangana, Rep. by its Principal Secretary, General Administration (Spl. (Law and Order) Department, Secretariat, Hyderabad.
2. The Commissioner of Police and Addl District Magistrate (Executive), Warangal District.
3. The Superintendent, Central Prison Cherlapally, Medchal - Malkajgiri District.

**...RESPONDENTS**

Petition Under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Habeas Corpus, directing 3rd Respondent to produce the detainee i.e. Gadidesh Manoj now detained in Central Prison Cherlapally, Medchal - Malkajgiri District before this Hon'ble Court and set-aside the impugned detention order passed by the 2nd Respondent vide C.No. 16/ WRC/ CSB-XI/ 2022, dt. 04-01-2022 and approved by 1st Respondent as being illegal, arbitrary, improper, unilateral, unconstitutional and violative of Article 21 and 22 of the Constitution of India, and to forthwith release the Detenue.

**Counsel for the Petitioner : SRI.R.SOWMYA REDDY**

**Counsel for the Respondents : ASST GP FOR HOME REP ADDL ADVOCATE  
GENERAL**

**The Court made the following ORDER**

**THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER  
AND  
THE HON'BLE SMT. JUSTICE JUVVADI SRIDEVI  
WRIT PETITION No.20260 OF 2022**

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

This Writ Petition is filed by the petitioner/detenu, Gadidesh Manoj, challenging the detention order vide C.No.16/WRC/CSB-XI/2022, dated 04.01.2022, passed by the respondent No.2, whereby, the detenu was detained under Section 3(2) of the Telangana Preventive Detention Act, 1986 (Act 1 of 1986), and the consequential confirmation order vide G.O.Rt.No.752, General Administration (Spl. (Law & Order)) Department, dated 31.03.2022, passed by the respondent No.1.

2. Heard the learned counsel for the petitioner, learned Assistant Government Pleader for Home representing the learned Additional Advocate General appearing for the respondents and perused the record.

3. Learned counsel for the petitioner would submit that the impugned detention order was passed by relying on a recent solitary crime registered against the *detenu* viz., Crime No.72 of 2021 of Khanapur Police Station, Warangal Police

Commissionerate, 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'). The total quantity of ganja alleged to have been seized from the possession of the accused in the said crime is 56 Kgs. The detenu is A4 in the said crime. The respondent No.2 also passed detention orders against A2-Thummala Kranthi Kumar and A3-Thummala Nagaraju in the said crime and the same were confirmed by the Government. Challenging the said orders, A2 and A3 filed W.P.Nos.17358 and 13504 of 2022 and this Court, after examining the contentions raised by both the sides, *vide* orders, dated 22.06.2022, allowed the said Writ Petitions by setting aside the detention orders as well as the confirmation orders passed against A2 and A3 and ultimately, prayed to set aside the impugned detention order and the consequential confirmation order passed against the detenu.

4. Learned Assistant Government Pleader for Home did not dispute the submission 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 orders passed

against A2 and A3 in the said Crime No.72 of 2021 of Khanapur Police Station, Warangal Police Commissionerate, were already set aside by this Court vide orders, dated 22.06.2022, passed in W.P.Nos.17358 and 13504 of 2022. Moreover, the impugned detention order was passed without adhering to the requirements/mandate given under Section 3(2) of the Telangana Act 1 of 1986 and by relying only on one crime 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 case are akin to the facts and circumstances in W.P.Nos.17358 and 13504 of 2022, the impugned orders are liable to be set aside.

6. In the result, the Writ Petition is allowed. The impugned detention order vide C.No.16/WRC/CSB-XI/2022, dated 04.01.2022, passed by the respondent No.2, and the consequential confirmation order vide G.O.Rt.No.752, General Administration (Spl. (Law & Order)) Department, dated 31.03.2022, passed by the respondent No.1, are hereby set aside. The respondents are directed to set the *detenu*, namely Gadidesh

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Manoj, S/o. Eshwar Rao, at liberty forthwith, if he is no longer required in any other criminal case.

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

//TRUE COPY//

SD/-B.SATYAVATHI  
DEPUTY REGISTRAR

SECTION OFFICER

To

1. The Principal Secretary, General Administration (Spl. (Law and Order) Department, Secretariat, State of Telangana at Hyderabad.
2. The Commissioner of Police and Addl District Magistrate (Executive), Warangal District.
3. The Superintendent, Central Prison Cherlapally, Medchal - Malkajgiri District.
4. Two CC to Addl Advocate General, High Court for the State of Telangana at Hyderabad. (OUT)
5. One CC to SRI.R.SOWMYA REDDY, Advocate [OPUC]
6. Two CD Copies
7. One spare copy

S.A

BS 

HIGH COURT

DATED:30/09/2022



ORDER

WP.No.20260 of 2022

ALLOWING THE W.P  
WITHOUT COSTS.

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