

*** HON'BLE SRI JUSTICE P.NAVEEN RAO
AND
HON'BLE SMT DR.JUSTICE G.RADHA RANI**

+ WRIT PETITION Nos.16258 & 16265 of 2021

W.P.No.16258 of 2021

% 23.02.2022

Khatija W/o.Rasid, Aged 58 yrs,
Housewife, R/o.Silkhoh (59) Village,
Tauru Tahsil, Mewat City, Haryana State 122 105
.....Petitioner

And

\$ The State of Telangana,
Rep., by its Principal Secretary,
General Administration (Spl.(Law & Order) Department,
Secretariat, Hyderabad & others.

..... Respondents

! Counsel for the petitioner : Sri P.Trivikram Reddy

Counsel for respondents : Learned Government Pleader for
Home representing learned Additional
Advocate General.

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> Head Note :
? Citations :

**HIGH COURT FOR THE STATE OF TELANGANA
HYDERABAD**

WRIT PETITION Nos.16258 & 16265 of 2021

W.P.No.16258 of 2021

Between:

Khatija W/o.Rasid, Aged 58 yrs,
Housewife, R/o.Silkhoh (59) Village,
Tauru Tahsil, Mewat City, Haryana State 122 105

..... Petitioner

And

The State of Telangana,
Rep., by its Principal Secretary,
General Administration (Spl.(Law & Order) Department,
Secretariat, Hyderabad & others.

..... Respondents

DATE OF JUDGMENT PRONOUNCED : 23.02.2022

SUBMITTED FOR APPROVAL:

**HON'BLE SRI JUSTICE P.NAVEEN RAO
AND
HON'BLE SMT DR.JUSTICE G.RADHA RANI**

1. Whether Reporters of Local Newspapers : Yes / No
may be allowed to see the Judgments ?
2. Whether the copies of judgment may be : Yes / No
marked to Law Reporters/Journals
3. Whether Their Lordship wish to : Yes / No
see the fair copy of the Judgment ?

HON'BLE SRI JUSTICE P.NAVEEN RAO
AND
HON'BLE SMT Dr.JUSTICE G.RADHA RANI
WRIT PETITION Nos.16258 & 16265 of 2021

COMMON ORDER: *(per Hon'ble Sri Justice P.Naveen Rao)*

These two writ petitions are filed challenging the orders of detention dated 17.04.2021 and 24.04.2021 respectively made 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 Documents 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 (Act 1 of 1986).

2. Heard Sri P.Trivikram Reddy, learned counsel for the petitioner and learned Government Pleader for Home representing learned Additional Advocate General appearing for the respondents.

3. The detenues in both the writ petitions are shown as Accused Nos.1 and 2 respectively in Cr.No.291 of 2020. Cr.No.291 of 2020 was registered on 05.10.2020 against the detenues under Section 20 (ii) (B) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short

‘the NDPS Act’) in Abdullapurmet Police Station and they were arrested on the same day.

4. The bail applications submitted by the detenues on three occasions were rejected, but on the fourth bail application, bail was granted by the Court of Metropolitan Sessions Judge, Cyberabad at L.B.Nagar, on 16.04.2021. On coming to know that the bail was granted to the detenues, on 17.04.2021 the orders of detention was passed.

5. Learned counsel for the petitioner in both the writ petitions, contend that orders of detention is vitiated on two grounds. Firstly, the detenues were involved in solitary crime and therefore, the detention orders are not warranted and therefore, they cannot be called as habitual offenders in order to invoke the provisions of Act 1 of 1986. It is further contended that orders of detention do not refer to conditions imposed while granting bail and therefore, as has been consistently held by this Court, the orders of detention are vitiated on the ground of non-application of mind and consideration of relevant material while invoking draconian provisions of law.

6. Per contra, according to learned Government Pleader, even when one solitary crime is registered depending on the intensity of crime it is permissible to detain. In matters concerning involvement of persons under the NDPS Act, solitary crime can be the basis to order detention, as has been held by this Court in W.P.No.102 of 2021. He further submits that the order of detention refers to bail granted to the

detenues on 16.04.2021 and copy of the bail orders were also enclosed to the detention order. The detaining authority was aware of the conditions imposed by the Metropolitan Sessions Judge while granting bail and taking due note of the conditions only, orders of detention were passed. Thus, it cannot be said as a case of non-application of mind and not considering the relevant material before taking recourse to the detention orders.

7. We have carefully considered the respective submissions and perused the record placed before us.

8. From the orders of detention it is seen that the detaining authority elaborately discussed the alleged crime registered against the detenues and prima-facie involvement in the crime. He also takes note of the bail applications filed by the detenues on four occasions and granting of bail on 16.04.2021. Taking note of the order of Metropolitan Sessions Judge, granting bail and having regard to the intensity of crime alleged to have been committed by the detenues, the detaining authority has invoked the power under Section 3 (2) of Act 1 of 1986 ordering detention of the detenues. Though, the order does not refer to conditions imposed while granting bail, the fact that the detaining authority noticed about granting of bail by the competent criminal Court and that copies of the bail orders were enclosed to the detention orders would clearly show that the detaining authority was aware of the conditions imposed and taking due note of the said conditions only, detention orders were passed.

9. No doubt detenues claimed to have been involved in only one crime, but the crime alleged against them is very grave. From their possession 1010 Kgs of Ganja was recovered which is very high quantity under any circumstance. How this quantity of Ganja was recovered from them and whether they were actually responsible is a matter for consideration by the trial Court in the pending case and we do not intend to express any opinion on the said aspect. Suffice to note as held by this Court in W.P.No.102 of 2021, involvement in one crime, particularly under NDPS Act is sufficient to resort to preventively detain the detenues in order to ensure that such detenues do not indulge in committing of crimes affecting public order.

10. The menace of circulation of Narcotic drugs is increasing and more particularly, younger generation are being attracted to these drugs spoiling their health and mental faculties and impacting them as well as their families. Such kind of activity should be curtailed and all required measures should be taken to ensure that the prohibited drugs are not kept in circulation.

11. Having regard to these societal concerns, it cannot be said that the detaining authority has not applied his mind in taking recourse to the provision of Act 1 of 1986 and ordering detention of the detenues warranting interference by this Court.

12. We see no merit and the Writ Petitions are dismissed. Pending miscellaneous petitions, if any, shall stand closed.

P.NAVEEN RAO,J

Dr. G.RADHA RANI,J

23rd February, 2022

Note :

L.R. Copy to be marked : Yes

B/o.

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