



**IN THE HIGH COURT OF ANDHRA
PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3562]

MONDAY, THE 22nd DAY OF JUNE 2026

PRESENT

THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI

THE HONOURABLE SRI JUSTICE SUBHENDU SAMANTA

WRIT PETITION NO: 33545/2025

Between:

BUDDIGA DHANA LAKSHMI, W/O DEVEDU, AGED ABOUT
50 YEARS, R/O. D.NO58-17-11 SANJIVAYYA NAGAR VTC
RAJAHMUNDRY (URBAN) EAST GODAWARI

...PETITIONER

AND

1. THE STATE OF AP, REP. BY ITS CHIEF SECRETARY,
AP SECRETARIAT BUILDING VELAGAPUDI
AMARAVATHI. GUNTUR DISTRICT
2. THE STATE OF ANDHRA PRADESH, REP. BY ITS
PRINCIPAL SECRETARY GENERAL ADMINISTRATION
DEPARTMENT(SC-L) AP SECRTARIAT VELAGAPUDI
GUNTUR DISTRICT
3. THE DISTRICT COLLECTOR AND DISTRICT
MAGISTRATE, EAST GODAWARI DISTRICT
4. THE DISTRICT PROHIBITION AND EXCISE OFFICER,
RAJAHMUNDRY, EAST GODAVARI DISTRICT.

5. THE SUPERINTENDENT, CENTRAL PRISION
RAJAMAHENDRAVARAM EAST GODAWARI DISTRICT

...RESPONDENT(S):

Counsel for the Petitioner:

1.V SRINIVASULA REDDY

Counsel for the Respondent(S):

1.THE ADVOCATE GENERAL

The Court made the following:

*** THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI
AND
THE HONOURABLE SRI JUSTICE SUBHENDU SAMANTA**

+ WRIT PETITION No.33545 of 2025

% Dated: 22.06.2026

Between:

Buddiga Dhana lakshmiPetitioner

And

The State of Andhra Pradesh and four others....Respondents

! Counsel for the petitioner : Sri V.Srinivasulu Reddy

^ Counsel for the Respondents : Sri Akula Venkata Sai Jagdeesh
Assistant Government Pleader

< GIST :

> HEAD NOTE :

? Cases referred:

W.P.No.15808 of 2025 dated 03.11.2025

THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI
AND
THE HONOURABLE SRI JUSTICE SUBHENDU SAMANTA

WRIT PETITION NO.33545 OF 2025

Between:

Buddiga Dhana lakshmiPetitioner

And

The State of Andhra Pradesh and four othersRespondents

DATE OF JUDGMENT RESERVED : -----

DATE OF JUDGMENT PRONOUNCED: 22.06.2026

DATE OF JUDGMENT UPLOADED : 03.07.2026

Submitted for approval:

- | | |
|--|--------|
| 1. Whether Reporters of Local newspapers
may be allowed to see the Judgments? | Yes/No |
| 2. Whether the copies of judgment may be
Marked to Law Reporters/Journals. | Yes/No |
| 3. Whether Their Lordship wishes
to see the fair copy of the Judgment? | Yes/No |

RAVI NATH TILHARI, J

SUBHENDU SAMANTA, J

THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI
THE HONOURABLE SRI JUSTICE SUBHENDU SAMANTA

WRIT PETITION No.33545 of 2025

ORDER: *(per Hon'ble Sri Justice Ravi Nath Tilhari)*

Heard Sri V.Srinivasulu Reddy, learned counsel for the petitioner and Sri Akula Venkata Sai Jagadeesh, learned Assistant Government Pleader attached to the office of the learned Additional Advocate General, appearing for the respondents.

2. This writ petition has been filed for a Writ of *Habeas Corpus*, for release of the petitioner, also challenging the order of detention dated 31.07.2025 passed by the District Collector & District Magistrate, East Godavari District, Rajamahendravaram, as affirmed by the State vide G.O.Rt.No.1914, General Administration (SC-I) Department, dated 17.10.2025.

3. The order of detention was passed considering seven criminal cases against the petitioner.

4. In the said order, the District Collector considered the bail granted in Crime No.141 of 2024 of Prohibition and Excise Station, Rajamahendravaram, registered under Section 7B r/w 8(B) of the A.P.Prohibition Amendment Act, 2020. The order of detention is also for the maximum period of twelve months.

5. Learned counsel for the petitioner submits that in all the seven cases bail was granted to the detenu but this vital information relating to grant of bails was not placed before the respondent authorities. Such non-consideration vitiates the order of detention as also the order of confirmation. He placed reliance in the case of ***Ponnada Geetha v. The State of Andhra Pradesh and others (W.P.No.15808 of 2025 dated 03.11.2025)***, to contend that if all the bail orders, in the criminal cases based on which the detention order has been passed have not been considered that vitiates the order of detention which becomes illegal and the detenu deserves to be released from detention.

6. Learned counsel for the petitioner referred to para No.10 of the writ affidavit, which reads as under:

“10.The detention order passed basing on 7 grounds 7 different cases that were registered

against the detenue out of 7 cases the detenue was granted bails in all cases but this vital information relating to grant of bail is not placed before the respondent authority.”

7. The learned Assistant Government Pleader, referring to the counter-affidavit filed by respondent No.3, District Collector & District Magistrate, at para No.10, submits that out of seven cases, only in one case (Crl.P.No.139 of 2025), the detenu was granted bail on 27.03.2025 and that was placed before respondent No.2. He submits that in no other case, the bail was granted prior to passing of the order of detention. So, the detention order is valid.

8. Para No.10 of the counter-affidavit of respondent No.3, District Collector & District Magistrate, reads as under:

*“In reply to the allegations contained in Ground No.3&10 of the affidavit that the 2nd respondent passed the order of preventive detention against the detenue basing on 7 grounds and that in all the cases detenue was granted bail and that the respondents deliberately suppressed the said vital fact of bail orders and did not place the same before the respondents 1 & 3 are not true and cannot be accepted. **It is submitted that copy of bail order dated 27.03.2025 passed by this Hon'ble Court in CRLP.No. 139 of 2025 was placed before the 2nd respondent. Further, out of 7 cases, only in one case the detenue was granted bail before passing the order of detention. In all other cases, the detenue was in judicial as he was produced through PT Warrant in 5 out of the 7 cases. Therefore, the said contention that bail orders were not placed before the respondents is not true and is herewith denied.** Further, it is submitted that the Hon'ble Supreme Court in State of Tamil Nadu and another*

Vs. Abdullah Khader Batcha and another reported in 2009 (1) SCC 333 held that it is the duty of the Court to see whether non supply of any document is in any way prejudicial to the case of the detenu. It was further held that merely because copies of some documents have not been supplied, they cannot by any stretch of imagination be called as relied upon documents. While examining whether the non-supply of documents to the detenu, the court has to examine whether the detenue would be deprived of making an effective representation in the absence of a documents."

9. The learned counsel for the petitioner submits that, in the writ petition itself, the petitioner has given the details of all the seven criminal cases and the date(s) of the bail granted in para No.3(a) to (G).

10. Para No.3 (a) to (G) of the grounds of the writ affidavit reads as follows:

"a. CR.NO.183/2025 registered (S.H.O Rajamahendravaram) under section 7(B) R/W 8(B) of APP Act in this crime detenue is A2 in this crime, police personal seized 12.05 liters of ID liquor from the possession of the accused. in this crime police arrested the petitioner on pt WARRANT ON 29-07-2025 Bail is granted ON04-08-2025.

b. CR.NO.273/2025 registered (S.H.O P&E Rajamahendravaram South) under section 7(B) R/W 8(A) OF APP Act in this crime detenue is A2, police personal seized 250 Kgs of jaggary and 1600 liters of FJ wash from the possession of the accused.IN this crime police arrested the petitioner on PT WARRANT ON 18-07-2025 Bail is granted ON 24-07-2025.

C. CR.NO.121 /2025 registered (S.H.O Rajanagaram) under section 7(B) R/W 8(A) OF APP Act in this crime detenue

is Al, police personal seized 125 liters of id liquor from the possession of the accused. IN this crime police arrested the petitioner on PT warrant ON 19-07-2025 Bail is granted ON 23-07-2025.

D. CR.NO.489 /2025 registered (S.H.O rajanagaram) under section 7(B) R/W 8(A) OF APP Act in this crime detenue is Al, police personal seized 10 liters of id liquor from the possession of the accused. IN this crime police arrested the petitioner on PT warrant ON 19-07-2025 Bail is granted ON 23-07-2025.

E. CR.NO.135 /2025 registered (S.H.O P&E Rajamahendravaram) under section 7(B) R/W 8(B) OF APP Act in this crime detenue is Al, police personal seized 1800 liters of f.j WASH AND 250 kgs of jiggery from the possession of the accused. IN this crime police arrested the petitioner on PT warrant ON 29-07-2025 Bail is granted ON 04-08-2025.

F. CR.NO.194/2025 registered (S.H.O P&E Rajamahendravaram) under section 7(B) R/W 8(B) OF APP Act in this crime detenue is Al, police personal seized 1800 liters of F.J wash and 250 kgs of jiggery from the possession of the accused. IN this crime police arrested the petitioner ON 15-07-2025 Bail is granted ON 30-07-2025.

G. CR.NO.141/2024 registered (S.H.O P&E Rajamahendravaram North) under section 7(B) R/W 8(B) OF APP Act in this crime detenue is A2,.selling illicit distilled arrack to public. In this crime this Hon'ble High court granted anticipatory bail granted but the Respondent authority deliberately suppressed the said vital fact of bail orders and that they did not placed before the first and third respondents,"

11. In support of the aforesaid, the petitioner has placed copy of the bail order of all seven cases along with the memo dated 08.05.2026.

12. A perusal of para No.3 of the writ petition with the memo dated 08.05.2026 shows that 1) in **Crime No.273 of 2025** of the Station House Officer, Prohibition and Excise Station, Rajamahendravaram South, registered under Section 7(B) r/w 8(A) of the A.P.Prohibition (Amendment) Act, 2020, **the bail was granted on 24.07.2025**; 2) in **Crime No.121 of 2025** of Station House Officer, Rajanagaram also under Section 7(B) r/w 8(A) of the A.P.Prohibition (Amendment) Act, **bail was granted on 23.07.2025**; 3) in **Crime No.489 of 2024** of Rajanagaram Police Station, registered under Section 7(B) r/w 8(A) of the A.P.Prohibition (Amendment) Act, **the bail was granted on 23.07.2025**; 4) in **Crime No.194 of 2025** of Prohibition and Excise Police Station, Rajamahendravaram North, **bail was granted on 30.07.2025**; 5) in **Crime No.183 of 2025** of Prohibition and Excise Police Station, Rajamahendravaram, registered under Section 7(B) r/w 8(A) of the A.P.Prohibition (Amendment) Act, the petitioner was **granted bail on 04.08.2025**; and in Crime No.135 of 2025 of Prohibition and Excise Police Station, Rajamahendravaram, bail was granted on 04.08.2025; whereas 7) in Crime No.141 of 2024 of Prohibition and Excise Police Station, Rajamahendravaram North, registered under

Section 7(B) r/w 8(A) of the A.P.Prohibition (Amendment) Act, **anticipatory bail was granted by the High Court on 27.03.2025 in Crl.P.No.139 of 2025.**

13. A perusal of the aforesaid further shows that in five cases at Sl.Nos.B, C, D, F and G bails had been granted prior to passing of the detention order dated 31.07.2025. In case at D, bail was granted on 30.07.2025, so even if that be excluded, in all other four cases in which bail was granted, deserved consideration by the District Collector while passing the detention order. Further, in any case bails were granted in all seven cases before G.O.Rt.No.1481 dated 07.08.2025 and G.O.Rt.No.1914 dated 17.10.2025 were issued but there also, there is no consideration of the bails granted in all seven cases.

14. In ***Ponnada Geetha (supra)***, a Coordinate Bench of this Court has held that when the detenu was already released on bail in a crime and when it was made basis for passing the order of preventive detention and when such order of bail was not placed before the detention authority, it vitiates the order of preventive

detention. Paragraph Nos.(9) to (12) of **Ponnada Geetha (supra)**

read as under:

“However, as per the settled law, the very fact that the order of bail granted to the detenu in Crime No.219 of 2024 of Gopalapatnam Police Station for the offence under NDPS Act, was not placed before the detaining authority, while passing the impugned order of detention, by itself, is sufficient to hold that it vitiates the impugned order of detention. The legal position in this regard is fairly well settled.

10. The Division Bench of the common High Court for the State of Telangana and the State of Andhra Pradesh had an occasion to elaborately deal with the said legal position in the case of **Vasanthu Sumalatha v. State of Andhra Pradesh**(2016) 1 ALT 738 (DB). At paragraph 44 of the said judgment, it is held as follows:

“44. When a person is enlarged on bail by a competent criminal court, great caution should be exercised in scrutinizing the validity of an order of preventive detention, which is based on the very same charge which is to be tried by the criminal court. (Vijay Narain Singh v. State of Bihar [(1984) 3 SCC 14]; Jotha Viswanadh v. Chief Secretary, Govt. of A.P. [Judgment in W.P.No.10018 of 2012, dated 29.06.2012 (APHC) (DB)]. Where the detenu is released on bail, and is enjoying his freedom under the order of the court, the order of bail must be placed before the detaining authority, when the order of detention is passed, to enable him to reach a proper satisfaction. (Rushikesh Tanaji Bhoite v. State of Maharashtra [(2012) 2 SCC 72]. If the detaining authority was unaware of the order of bail, the detention order is rendered invalid as the Court cannot attempt to assess in what manner, and to what extent, consideration of the order granting bail to the detenu would have effected the satisfaction of the detaining authority in passing the order of preventive detention (Rushikesh Tanaji Bhoite (42 supra); Rekha (5 supra); Jotha Viswanadh (44 supra).”

11. At paragraph 42 of the said judgment, it is also held by the Division Bench of the common High Court that it is incumbent that all vital materials are placed before the detaining authority to enable him to arrive at the subjective satisfaction as to the necessity for passing an order of detention, as decided in **M.**

Ahamedkutty v. Union of India ((1990) 2 SCC 1 and State of U.P. v. Kamal Kishore Saini(1988 (1) SCC 287). Therefore, it is held that the bail order is a vital material for consideration and if it is not considered, the satisfaction of the detaining authority would be impaired.

12. Thus, it is obvious from the analogy and the legal position decided in the aforesaid judgment of the Division Bench of the common High Court, which is binding on this Court, that when the detenu was already released on bail in a crime and when it was made basis for passing the order of preventive detention and when the said order of bail was not placed before the detaining authority, it vitiates the impugned order of preventive detention. Therefore, in view of the law enunciated in the above judgment, as the order of bail is admittedly not placed before the 2nd respondent when he has passed the impugned order of preventive detention, the impugned order of preventive detention is vitiated and, therefore, cannot be sustained.”

15. The aforesaid is the settled position in law. The bail order and the conditions of bail are relevant material to be considered to arrive at the satisfaction if the order of detention is yet to be passed.

16. Admittedly, there is no consideration of all the bail orders in the order of detention though in five cases the bail was granted prior to passing of the order of detention and even in the order of approval and confirmation by the State there is no consideration whereas by that time in all seven cases bail (s) had been granted.

17. All the impugned orders deserve to be set aside and the detenu deserves to be released/set free.

18. The writ petition is allowed, setting aside the impugned order of preventive detention dated 31.07.2025 passed against the detenu, and the order of confirmation by the State by G.O.Rt.No.1914, General Administration (SC-I) Department, dated 17.10.2025. The detenu by name Buddiga Devudu shall be released/set free forthwith on receipt of copy of this order.

19. However, it shall be open for the respondents to reconsider the matter keeping in view all the bail orders. Since the detenu has already served detention under the impugned orders for almost eleven months, in case fresh order is passed on reconsideration, the detention period shall not exceed twelve(12) months inclusive of the period of detention already served under the impugned orders.

20. The District Collector & District Magistrate, East Godavari District, Rajamahendravaram shall submit his explanation on affidavit, with respect to para No.10 of the counter-affidavit filed by him as to why it was so mentioned that there was only one bail order prior to passing of the order of detention out of seven cases, though the position with respect to the bail orders granted to the petitioner was clearly stated in para No.3 of the writ petition, which

clearly showed that in five cases, the petitioner was granted bail prior to passing of the detention order.

21. Post the matter on 13.07.2026 only for perusal of the explanation of the District Collector & District Magistrate, East Godavari District, Rajamahendravaram and if required to pass necessary orders by this Court on such explanation.

22. As a sequel, interlocutory applications pending if any, shall stand closed.

RAVI NATH TILHARI, J

SUBHENDU SAMANTA, J

Date: 22.06.2026

Note:

L.R.Copy to be marked

B/o.

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Whether the order is:

Speaking		Reasoned	☒
Reportable	☒	Non-reportable	

THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI
THE HONOURABLE SRI JUSTICE SUBHENDU SAMANTA

WRIT PETITION No.33545 of 2025

DATE: 22.06.2026

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