



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

[3601]

TUESDAY, THE 14th DAY OF JULY 2026

PRESENT

THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI

**THE HONOURABLE SRI JUSTICE PURUSHOTTAM KUMAR
CHINTALAPUDI**

WRIT PETITION NO: 5684/2026

Between:

1. PONNA ROJA,, W/O BIKKI NARENDRA BABU, AGE 30YRS, OCC
HOUSEWIFE, R/O D.NO 6-36/A, SCOT SPINE INTERNATIONAL
SCHOOL ROAD, KANURU (V), PENAMALURU (M), KRISHNA
DISTRICT-520007

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL
SECRETARY REVENUE (EXCISE.LL) DEPARTMENT, A.P.
SECRETARIAT, VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT -
522503.

2. THE COMMISSIONER OF POLICE AND ADDITIONAL DISTRICT
MAGISTRATE, NTR DISTRICT - 520004.

3. THE INSPECTOR OF POLICE, , GOVERNORPET POLICE STATION,
NTR POLICE COMMISSIONERATE, NTR DISTRICT - 520003.

4. THE SUPERINTENDENT, CENTRAL PRISON,
RAJAMAHENDRAVARAM, EAST GODAVARI DISTRICT -533101

...RESPONDENT(S):

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 may be pleased to issue a writ order or direction more particularly

one in nature of Writ of Habeas Corpus directing the 4th Respondent to produce Bikki Narendra Babu who is now detained in Central Prison Rajamahendravaram and he may be ordered to be released after declaring the detention order vide G.O.Rt.No 1314 dated 29-10-2025 and also confirmed Detention order vide G.O.Rt.No 69 dated 12-01-2026, issued by the 1St Respondent, as illegal, unconstitutional and violative of Articles 14, 21 and 22 of the Constitution of India and set aside the same and to pass such

Counsel for the Petitioner:

1.NUTHAKKI SAARASA RAGA VARSHINI

Counsel for the Respondent(S):

1.GP FOR REVENUE

2.THE ADVOCATE GENERAL

The Court made the following:

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

Heard Ms.Nuthakki Saarasa Raga Varshini, learned counsel for the petitioner and Sri Kirthi Teja Kondaveeti, learned Government Pleader, attached to the office of the learned Additional Advocate General, appearing for respondent Nos.2 to 4, and perused the material on record.

2. This writ petition under Article 226 of the Constitution of India has been filed for a writ of Habeas Corpus by the wife of the detenu, by name Sri Bikki Narendra Babu @ Vicky Chowdary @ Pushpa, S/o Kumar.

3. An order of preventive detention was passed against the detenu by the State *vide* G.O.Rt.No.1314, Revenue (Excise.II) Department, dated 29.10.2025, under Section 3(1) of the Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988 (for short, "the PIT NDPS Act"). The detention order was passed based on seven criminal cases pending against the detenu. List of those cases is as under :-

Sl. No	Cr.No., Sec of law & Name of the Police Station	Ganja Seized (in Kg's	Stage of the case
(1)	(2)	(3)	(4)
1.	Cr.No.315/2018 U/s 20(B) of NDPS Act- 1985 of Hennur PS, Banaswadi Sub- Division, Bengaluru City.	20 Kg	Pending in Trail
2.	Cr.No.382/2019 U/s 20(b) (ii)(C) of NDPS Act & 27-A,28 Drugs & Cosmetics Act of II Town PS, Visakhapatnam City.	2.4 Kg, 1 Gram MDMA, 2- LSD Blots, Alprazolan Tablets- 30(2 sheets)	Pending in Trail

3.	Cr.No.64/2021 U/s 20(b) (ii) (B) r/w 8(c),25 of NDPS Act-1985 of Hukumpeta PS, Visakhapatnam District.	144 Kg	Pending in Trail
4.	Cr.No.716/2021 U/s 8(c) r/w 20(b)(ii)(A) of NDPS Act. -1985 of Penamaluru PS, Krishna District.	0.9 Kg	Pending in Trail
5.	Cr.No.11/2023 U/s 8(c) r/w 20(b)of NDPS Act -1985, 417,420,419 r/w 120(b) r/w 34 IPC & 12(1) (A) of Passport Act of V.Sataram PS, SPS Nellore District	93.15 Kg	Pending in Trail
6.	Cr.No. 107/2023U3 Ble) r/w 20(b) (ii)(A) of NDPS Act -1985 of Tenali Rural PS, Guntur District.	0.6 Kg	Pending in Trail
7.	Cr.No.52/2025 U/s 8(c) r/w 20(b)(ii)(C) of NDPS Act -1985 of Governorpet PS, NTR Police Commissionerate, NTR District.	41.58 Kg	Under investigation

4. The detention order was confirmed by the State *vide* G.O.Rt.No.69, Revenue (Excise.II) Department, dated 12.01.2026, for a period of twelve months from the date of detention.

5. Challenging the detention order, the learned counsel for the petitioner submits that the proposal for the order of detention was made on **29.08.2025** by respondent No.3-the Inspector of Police, Governorpet Police Station, who forwarded the proposal for preventive detention to the 2nd respondent, the Commissioner of Police, NTR Police Commissionerate, Vijayawada. Thereafter, on **30.08.2025**, the 2nd respondent-the

Commissioner of Police, forwarded the proposal to the 1st respondent-the Principal Secretary to the State Government, who passed the order of detention against the detenu on 29.10.2025. As per Circular No.3 of 2018, dated 28.03.2018, by the Narcotics Control Bureau, Ministry of Home Affairs, paragraph No.3, for time line of the proposal, the **Rule of live** should be kept in mind. There should not be a long gap between the event of NDPS Act and date of proposal. The proposal should be sent as soon as possible ideally within 15 days of the event. The proposal was made on 29.08.2025. The event of NDPS pertains to the years 2018, 2019, 2021, and 2023, i.e., the criminal cases in Ground Nos.1 to 6 respectively. The Crime No.52 of 2025, in Ground No.7 occurred on 12.06.2025. The timeline was not adhered and the proposal was made long after 15 days. There being no **live and proximate link**, the proposal should not have been accepted and the order of detention should not have been passed. The order of detention is vitiated and the detenu is entitled to be set free. Reliance has been placed in **Sushanta Kumar Banik v. State of Tripura and Others**¹.

6. Learned counsel for the petitioner submits that the circulars issued are binding on the authorities, which are required to adhere to the prescribed timeline, and any failure to adhere to the timeline, and so delay in passing the order of detention, shall enure to the benefit of the detenu in ordering the release of the detenu..

¹ 2022 SCC OnLine SC 1333

7. Learned counsel for the petitioner further submits that the detenu was granted bail in all the seven (07) criminal cases. Except in Ground No.4, the bail order was not considered while passing the order of detention. It vitiates the order of detention for non-consideration of the relevant material.

8. Learned Government Pleader submits that any ground with respect to the delay in submission of the proposal has not been taken in the writ petition. He submits that '**rule of live and proximate link**' has been stated, but, it is with respect to the order of detention having been passed after many years from the occurrence of the crimes under NDPS. He submits that there is no log gap and while passing the order of detention, previous criminal cases the old one as well, could be taken into consideration and the last case is of the year 2025.

9. Learned Government Pleader submits that the bail orders were forwarded to the detaining authority along with the proposal. Except in one case, as in Ground No.4, the bail orders in the other criminal cases in grounds appear not to have been taken into consideration as those bail orders are not reflected from the detention order. In the criminal case under Ground No.4, the bail was granted after the order of detention. So, there was no question to either mention in the proposal or to consider the same in the order of detention.

10. Learned Government Pleader further submits that in view of Section 6(1) of the PIT NDPS Act, if the order of detention can be sustained even on a single ground, that one ground would be sufficient to maintain the detention order, as it is deemed to be a separate order on each such separate ground. He submits that the order of detention can be sustained, in any case, on Ground No.4. He has placed reliance in ***Dunga Kumari v. State of Andhra Pradesh and Others***².

11. We have considered the aforesaid submissions advanced by the learned counsels for the parties, and perused the material on record.

12. So far as the argument on time line of 15 days under the Circular mentioning **rule of live** is concerned, the order of detention has been passed taking into consideration, , as many as seven criminal cases ranging from the years **2018 to 2025**. The proposal was made on 29.08.2025. As per Circular No.3 of 2018, dated 28.03.2018 *"the proposal should be sent as soon as possible, ideally within 15 days of the event,"* . The Circular Point No.3 of Narcotics Control Bureau, Ministry of Home Affairs, West Block No.1, Wing No.V, R.K.Puram, New Delhi-66, prescribed 15 days time from the date of the event i.e., criminal case, as the ideal period for forwarding the proposal, which is reproduced hereunder :

“3. **When:**

² W.P.No.23639 of 2025

For timing of the proposal, Rule of live-link should be kept in mind, which means there should not be long gap between even of NDPS Act and date of proposal. The proposal should be sent as soon as possible-ideally within 15 days of the event. This will reduce paper work and ensure live nexus between the event(s) and detention. If there is a gap between event and the proposal the same must be explained in the proposal.”

13. In **Commissioner of Central Excise and Service Tax, Rohtak vs. Merino Panel Product Limited**³, the Hon’ble Apex Court held that the department and the departmental authorities cannot be permitted to take a stand contrary to the instructions issued. The department’s stand cannot be against its own circular, and while the department’s hands are tied with regard to its Circulars, no such prohibition operates on Courts and Tribunals. It is incumbent upon the adjudicatory bodies to ascertain the correct position of law unencumbered by the departments interpretation as crystallized in its administrative directions. The position of law is that the department is at liberty to issue circulars on the interpretation or application of different provisions but the Courts and the Tribunals would give effect to the law of land which shall be binding.

14. Paragraph Nos.17 to 25 of **Merino Panel Product Limited** (supra) under head are reproduced as under:

³ (2023) 2 SCC 597

“C. ANALYSIS C.1. BINDING NATURE OF CIRCULARS ISSUED BY THE DEPARTMENT

17. On first blush, it appears that the arguments from the Appellant-Revenue and Respondent-Assessee are on two separate footings. While the former assails the specific reasoning given by the CESTAT for setting aside the show cause notice in terms of invocation of an incorrect part of the CEVR, the latter is more concerned with the binding nature of the CBEC Circular issued by the Revenue itself.

18. It is clear that the latter question goes to the heart of the matter, rather than the issue of whether the show cause notice becomes legally untenable for failure to expressly mention that the valuation of the goods is to be done under Rule 11 read with Rule 9 of the CEVR. On the legal proposition advanced by learned ASG, we readily affirm that citation of an incorrect source of power does not vitiate the exercise of the power itself provided the power vests in the authority to begin with.

19. However, what needs to be additionally ascertained is whether the Appellant acted in contravention of its own Circular. The reason for this is that while citation of an incorrect provision may not, by itself, lead to an invalidation of the show cause notice, but contravention of a binding circular that mandates a particular methodology to be followed might. The power under the CEA for issuance of such administrative/executive directions is contained in Section 37B.10 The binding nature of such Circulars has long been acknowledged by this Court.

20. In *The Paper Products Ltd. v. CCE* ((1999) 7 SCC 84), the settled position on this point of law was noted in the following passage:

“4. The question for our consideration in these appeals is: what is the true nature and effect of the Circulars issued by the Board in exercise of its power under [Section 37-B](#) of the Central Excise Act, 1944? This question is no more res integra in view of the various judgments of this Court. This Court in a catena of decisions has held that the Circulars issued under Section 37-B of the said Act are binding on the Department and the Department cannot be permitted to take a stand contrary to the instructions issued by the Board. These judgments have also held that the position may be different with regard to an assessee who can contest the validity or legality of such instructions but so far as the Department is concerned, such right is not available.”

21. The rationale behind the requirement for the Revenue to abide by its own administrative directions and interpretation of different parts of the CEA and CEVR, was commented upon in [Ranadey Micronutrients & Ors. v. Collector of Central Excise](#) ((1996) 10 SCC 387):

“15. There can be no doubt whatsoever, in the circumstances, that the earlier and later circulars were issued by the Board under the provisions of Section 37B, and the fact that they do not so recite does not mean that they do not bind Central Excise officers or become advisory in character. There can be no doubt whatsoever that after 21st November, 1994, Excise duty could be levied upon micronutrients only under the provisions of heading 31.05 as "other fertilisers". If the later circular is contrary to the terms of the statute, it must be withdrawn. While the later circular remains in operation the Revenue is bound by it and cannot be allowed to plead that it is not valid.

16. We reject the submission to the contrary made by learned counsel for the Revenue and in the affidavit by M.K. Gupta, working as Director in the Department of Revenue, Ministry of Finance. One should have thought that an officer of the Ministry of Finance would have greater respect for circulars such as these issued by the Board, which also operates under the aegis of the Ministry of Finance, for it is the Board which is, by statute, entrusted with the task of classifying excisable goods uniformly. The whole objective of such circulars is to adopt a uniform practice and to inform the trade as to how a particular product will be treated for the purposes of Excise duty. It does not lie in the mouth of the Revenue to repudiate a circular issued by the Board on the basis that it is inconsistent with a statutory provision. Consistency and discipline are of far greater importance than the winning or losing of court proceedings.”

22. Thus, the starting point of our analysis on this question is that the CBEC Circular of 01.07.2002 is binding on the Revenue. If the show cause notice issued by the Revenue is found to be contrary to the Circular, it would prima facie result in abrogation of the uniformity and consistency which is strongly emphasized upon in [Ranadey Micronutrients](#) (Supra). It goes without saying that the Revenue's stance against its own circular can potentially lead to a chaotic situation where, with one hand, the Revenue would lay down instructions on how to interpret the relevant statutes and rules, and with the other hand, it would promptly disobey those very directions. Maintaining predictability in taxation law is of utmost importance and, for this reason, the Court should not accept an argument by the Revenue that waters down its own Circular as this would fall squarely within the contours of the prohibition outlined in Paper Products (Supra).

C.2. CONFLICT BETWEEN A CIRCULAR, AND A JUDGMENT AND/OR THE STATUTE.

23. While the Department's hands are tied with regard to its Circulars, no such prohibition operates on Courts and Tribunals. It is

incumbent upon the adjudicatory bodies to ascertain the correct position of law unencumbered by the Revenue's interpretation as crystallized in its administrative directions. A Constitution Bench of this Court in [Collector of Central Excise, Vadodara v. Dhiren Chemicals Industries](#) while interpreting an exemption notification issued under the CEA, had noted in Para 11 of its judgment that

“11....regardless of the interpretation that we have placed on the said phrase [“appropriate”], if there are circulars which have been issued by the Central Board of Excise and Customs which place a different interpretation upon the said phrase, that interpretation will be binding upon the Revenue.”

24. [Dhiren Chemicals](#) (Supra) subsequently led to some uncertainty, as the paragraph reproduced above was interpreted to mean that Circulars issued by the Revenue would remain binding even if they went against the ratio of decisions by this Court. However, the true intention behind the passage, as recounted above, was clarified in [Kalyani Packaging Industry v. Union of India](#)¹⁴ by observing that:

“6. We have noticed that [Para 9 \(para 11 in SCC\) of Dhiren Chemical](#)'s case is being misunderstood. It therefore becomes necessary to clarify [Para 9 of Dhiren Chemical](#)'s case. One of us (Variava, J.) was a party to the [Judgment of the Dhiren Chemical](#)'s case and knows what was the intention in incorporating Para 9. It must be remembered that law [laid down by](#) this Court is law of the land. The law so laid down is binding on all Courts/Tribunals and Bodies. It is clear that circulars of the Board cannot prevail over the law [laid down by](#) this Court. However, it was pointed out that during hearing of [Dhiren Chemical](#)'s case because of circulars of the Board in many cases the Department had granted benefits of exemption Notifications. It was submitted that on the interpretation now given by this Court in [Dhiren Chemical](#)'s case, the Revenue was likely to reopen cases. Thus Para 9 was incorporated to ensure that cases where benefits of exemption Notification had already been granted, the Revenue would remain bound. The purpose was to see that such cases were not reopened. However, this did not mean that even in cases where Revenue/Department had already contended that the benefit of an exemption Notification was not available, and the matter was sub-judice before a Court or a Tribunal, the Court or Tribunal would also give effect to circulars of the Board in preference to a decision of the Constitution Bench of this Court. Where as a result of dispute the matter is sub-judice a Court/Tribunal is, after [Dhiren Chemical](#)'s case, bound to interpret as set out in that judgment. To hold otherwise and to interpret in the manner suggested would mean that Courts/Tribunals have to ignore a judgment of this Court and follow circulars of the Board. That was not what was meant by Para 9 of Dhiren Chemical's case.”

25. Following this, the position of law which materialized was that the Revenue was at liberty to issue Circulars on the interpretation or

application of different provisions, but Courts and Tribunals would give effect to the decisions of the Supreme Court as the law of the land. Another Constitution Bench of this Court in [Commissioner of Central Excise, Bolpur v. Ratan Melting and Wire Industries](#) ((2004) 6 SCC 719) drew a line in the sand with regard to any future confusion on this point, in definitive terms and held as follows:

“7. Circulars and instructions issued by the Board are no doubt binding in law on the authorities under the respective statutes, but when the Supreme Court or the High Court declares the law on the question arising for consideration, it would not be appropriate for the Court to direct that the circular should be given effect to and not the view expressed in a decision of this Court or the High Court. So far as the clarifications/circulars issued by the Central Government and of the State Government are concerned they represent merely their understanding of the statutory provisions. They are not binding upon the court. It is for the Court to declare what the particular provision of statute says and it is not for the Executive. Looked at from another angle, a circular which is contrary to the statutory provisions has really no existence in law.”

15. The PIT NDPS Act does not lay down, any time limit for making proposal to the detaining authority. However, for executive functioning of the department in passing the detention order circular has been issued. The circular issued by the department may be binding on the department and the officers working in the department, in the course of business. But that does not bind the Tribunal or the Courts with respect to any interpretation of the circular as given by the department and it is open for the Court to consider the effect of time line in the Circular and the interpretation made by the Courts would bind all.

16. We shall therefore consider whether the time line in the Circular for sending proposal within 15 days is mandatory and whether proposal cannot be sent beyond 15 days and if sent beyond 15 days its legal aspect

on such proposal for consideration by the detaining authority as also on the order of detention.

17. The significant expression used in paragraph No.3 of the Circular, is “as soon as possible.” So, the proposal has to be forwarded as soon as possible from the event i.e., the occurrence of the criminal case.

18. In **General Insurance Council and others vs. State of Andhra Pradesh and others**⁴, the Hon’ble Apex Court held that the use of the expression “as soon as” implies that there has to be promptitude in action. To do a thing “as soon as possible” means to do it within a reasonable time, with an understanding to do it within the shortest possible time. “As and When” and “as soon as” are almost synonymous. Whenever these expressions are used in respect of time and place, they denote contemporaneous notion. “As soon as” and “forthwith” both are to be normally understood as allowing reasonable time, but latter is more peremptory than the former. But urgency is the hallmark of both expressions. Expression “as soon as” may be stretched to mean “as soon as” practicable. The proposal has to be forwarded with promptitude.

19. Though, 15 days time line has been prescribed, but the same appears to us not a mandatory time line, beyond which proposal cannot be made. It is only set up as an ideal period. The time line may vary for the proposals, depending upon the facts and circumstances of each case. The

⁴ (2007) 12 SCC 354,

departmental circulars may be binding on the authorities and may have been issued with the object to take prompt action, but any violation of the time line or no-strict-adherence thereto, in the absence of any consequences provided under the Circular and such time line also not having being prescribed under the PIT NDPS Act, it cannot be said that after the timeline under the Circular, the proposal cannot be forwarded or the order of detention cannot be passed merely because the proposal was made after 15 days of the event.

20. However, at the same time, it does not mean that the **rule of live and proximate link** is not to be followed and the order of detention can be passed on stale criminal cases or there being no necessity of detention for unreasonable delay defeating the very purpose of the preventive detention.

21. In ***Rajinder Arora v. Union of India and Others***⁵, the Hon'ble Apex Court has held that the delay in issuing the order of detention is a valid ground for quashing the order of detention. The Hon'ble Apex Court referred to ***T.A. Abdul Rahman v. State of Kerala and Others***⁶ in which it was held that there should be a proximity of time between the prejudicial activities and the purpose of detention. However, no hard-and-fast rule can be laid down which may be applicable to the facts and circumstances of each case. The test of proximity is not a rigid or mechanical test by counting the number of months between the offending acts and the

⁵ (2006) 4 SCC 796

⁶ (1989) 4 SCC 741

order of detention. It has to be examined whether the causal connection has been broken in the circumstances of each case.

22. Paragraph No.21 of **Rajinder Arora** (supra) reads as under :

“21. The question as regards delay in issuing the order of detention has been held to be a valid ground for quashing an order of detention by this Court in T.A. Abdul Rahman v. State of Kerala [(1989) 4 SCC 741 : 1990 SCC (Cri) 76 : AIR 1990 SC 225] stating: (SCC pp. 748-49, paras 10-11)

“10. The conspectus of the above decisions can be summarised thus: The question whether the prejudicial activities of a person necessitating to pass an order of detention is proximate to the time when the order is made or the live-link between the prejudicial activities and the purpose of detention is snapped depends on the facts and circumstances of each case. No hard-and-fast rule can be precisely formulated that would be applicable under all circumstances and no exhaustive guidelines can be laid down in that behalf. It follows that the test of proximity is not a rigid or mechanical test by merely counting number of months between the offending acts and the order of detention. However, when there is undue and long delay between the prejudicial activities and the passing of detention order, the court has to scrutinise whether the detaining authority has satisfactorily examined such a delay and afforded a tenable and reasonable explanation as to why such a delay has occasioned, when called upon to answer and further the court has to investigate whether the causal connection has been broken in the circumstances of each case.

11. Similarly when there is unsatisfactory and unexplained delay between the date of order of detention and the date of securing the arrest of the detenu, such a delay would throw considerable doubt on the genuineness of the subjective satisfaction of the detaining authority leading to a legitimate inference that the detaining authority was not really and genuinely satisfied as regards the

necessity for detaining the detenu with a view to preventing him from acting in a prejudicial manner.”

23. In ***Khaja Bilal Ahmed v. State of Telangana and Others***⁷, the Hon’ble Apex Court held that only those activities so far back in the past can be considered as furnishing a cause for preventive detention in the present, which lead to the conclusion that he is likely to engage in such activities in the immediate future. Paragraphs 21 & 22 of ***Khaja Bilal Ahmed*** (supra) read as under :

“21. In *Sama Aruna v. State of Telangana* (2018) 12 SCC 150, this Court while construing the provisions of the Telangana Offenders Act, 1986 held : (SCC pp. 157-58, para 16)

“16. Obviously, therefore, the power to detain, under the 1986 Act can be exercised only for preventing a person from engaging in, or pursuing or taking some action which adversely affects or is likely to affect adversely the maintenance of public order; or for preventing him from making preparations for engaging in such activities. There is little doubt that the conduct or activities of the detenu in the past must be taken into account for coming to the conclusion that he is going to engage in or make preparations for engaging in such activities, for many such persons follow a pattern of criminal activities. But the question is how far back? There is no doubt that only activities so far back can be considered as furnish a cause for preventive detention in the present. That is, only those activities so far back in the past which lead to the conclusion that he is likely to engage in or prepare to engage in such activities in the immediate future can be taken into account. In *Golam Hussain v. State of W.B.* [*Golam Hussain v. State of W.B.*, (1974) 4 SCC 530 : 1974 SCC (Cri) 566] this Court observed as follows : (SCC p. 534, para 5)

⁷ (2020) 13 SCC 632

‘5. ... No authority, acting rationally, can be satisfied, subjectively or otherwise, of future mischief merely because long ago the detenu had done something evil. To rule otherwise is to sanction a simulacrum of a statutory requirement. But no mechanical test by counting the months of the interval is sound. It all depends on the nature of the acts relied on, grave and determined or less serious and corrigible, on the length of the gap, short or long, on the reason for the delay in taking preventive action, like information of participation being available only in the course of an investigation. We have to investigate whether the causal connection has been broken in the circumstances of each case.’

Suffice it to say that in any case, incidents which are said to have taken place nine to fourteen years earlier, cannot form the basis for being satisfied in the present that the detenu is going to engage in, or make preparation for engaging in such activities.”

(emphasis supplied)

22. In the facts of that case, the Court held that the order of detention was passed on stale grounds, which could not have been considered as relevant for arriving at the subjective satisfaction that the detenu must be detained. This Court held thus : (Sama Aruna case [Sama Aruna v. State of Telangana, (2018) 12 SCC 150 : (2018) 3 SCC (Cri) 441] , SCC p. 158, para 17)

“17. ... The detention order must be based on a reasonable prognosis of the future behaviour of a person based on his past conduct in light of the surrounding circumstances. The live and proximate link that must exist between the past conduct of a person and the imperative need to detain him must be taken to have been snapped in this case. A detention order which is founded on stale incidents, must be regarded as an order of punishment for a crime, passed without a trial, though purporting to be an order of preventive detention. The essential concept of preventive detention is that the detention of a person is not to punish him for something he has done but to prevent him from doing it. See G. Reddeiah v. State of A.P. [G. Reddeiah v. State of A.P., (2012) 2 SCC 389 : (2012) 1 SCC (Cri) 881] and P.U. Iqbal v. Union of India [P.U. Iqbal v. Union of India, (1992) 1 SCC 434 : 1992 SCC (Cri) 184] .”

(emphasis supplied)

24. In ***P.U.Iqbal v. Union of India and Others***⁸, the Hon'ble Apex Court held that if there is unreasonable delay between the date of the order of detention and the date of arrest of the detenu, such delay unless satisfactorily explained throws a considerable doubt on the genuineness of the requisite subjective satisfaction of the detaining authority in passing the detention order and consequently renders the detention order bad and invalid because the 'live and proximate link' between the grounds of the detention and the purpose of detention is snapped in arresting the detenu. A question whether the delay is unreasonable and stands unexplained depends on the facts and circumstances of each case.

25. In ***Sushanta Kumar Banik*** (supra), the Hon'ble Apex Court, referred to the decision in ***Ashok Kumar vs. Delhi Administration and others***⁹ wherein it was held that the preventive detention is devised to afford protection to society. The object is not to punish a man for having done something but to intercept before he does it and to prevent him from doing. With the said object of the preventive detention, it is very imperative on the part of the detaining authority as well as the executing authorities to remain vigilant and keep their eyes skinned but not to turn a blind eye in passing the detention order at the earliest from the date of the proposal and executing the detention, because any indifferent attitude on the part of the detaining

⁸ (1992) 1 SCC 434

⁹ (1982) 2 SCC 403

authority or executing authority would defeat the very purpose of the preventive action and turn the detention order as a dead letter and frustrate the entire proceedings. The Hon'ble Apex Court emphasized on the adverse effect of delay in arresting a detenu observing that the rule is that unreasonable and unexplained delay in securing a detenu and detaining him vitiates the detention order. It was observed that the same principles would apply even in the case of delay in passing the order of detention from the date of the proposal and the common underlying principle in both situations would be the "live and proximate link" between the grounds of detention and the avowed purpose of detention.

26. In **Sushanta Kumar Banik** (supra), the Hon'ble Apex Court, held that if there is unreasonable delay from the date of the proposal and passing of the order of detention such delay, unless satisfactorily explained throws a considerable doubt on the genuineness of the requisite subjective satisfaction of the detaining authority in passing the detention order and consequently render the detention order bad and invalid because the "live and proximate link" between the grounds of detention and the purpose of detention is snapped in arresting the detenu. A question whether the delay is unreasonable and stands unexplained depends on the facts and circumstances of each case. In the said case, the detaining authority after receipt of the proposal from the sponsoring authority was indifferent in passing the order of detention with greater promptitude. The "live and

proximate link” between the grounds of detention and the purpose of detention was held as stood snapped in arresting the detenu and as the delay was not explained in any manner.

27. The Hon’ble Apex Court, in **Sushanta Kumar Banik** (supra) further held that the accused arrested under the NDPS Act, 1985, can be ordered to be released on bail only after the court is satisfied that there are reasonable grounds for believing that the accused is not guilty of such offence and that he is not likely to commit any offence while on bail. If the accused was ordered to be released on bail despite the rigours of Section 37 of the NDPS Act, 1985, then the same is suggestive that the Court concerned might not have found any prima facie case against the accused.

28. In **Sushanta Kumar Banik** (supra), the detaining authority did not make any reference to the fact that the detenu therein was released on bail. That fact was not brought to the notice of the detaining authority in the proposal. The Hon’ble Apex Court held that had this fact been brought to the notice of the detaining authority, then it would have influenced the mind of the detaining authority one way or the other on the question whether or not to make an order of detention. The case of **Asha Devi v. Additional Chief Secretary to the Government of Gujarat and another**¹⁰ was referred in which it was held that if material or vital facts which would influence the minds of the detaining authority one way or the other on the question whether

¹⁰ 1979 CrL LJ 203

or not to make the detention order, are not placed before or are not considered by the detaining authority it would vitiate its subjective satisfaction rendering the detention order illegal. The case of **Sk. Nizamuddin vs. State of West Bengal**¹¹, was also referred, in which it was held that the fact that a criminal case is pending against the accused who is sought to be proceeded by way of preventive detention is a very material circumstance which ought to be placed before the detaining authority. The circumstances might quite possible have an impact on his decision whether or not to make an order of detention. It was not altogether unlikely that the detaining authority in a given case may take the view that since a criminal case is pending against the person sought to be detained, no order of detention should be made for the present, but the criminal case should be allowed to run its full course and only if it fails to result in conviction, then preventive detention should be resorted to. It was most unfair to the person sought to be detained not to disclose the pendency of a criminal case against him to the detaining authority.

29. Paragraph Nos.23, 26 to 28 of **Sushanta Kumar Banik** (supra) are being reproduced as under:

“23. A plain reading of the aforesaid provision would indicate that the accused arrested under the NDPS Act, 1985 can be ordered to be released on bail only if the Court is satisfied that there are reasonable grounds for believing that the accused is not guilty of such offence and that he is not likely to commit any offence while on bail. If the appellant herein was ordered to be released on bail

¹¹ (1975) 3 SCC 395

despite the rigours of Section 37 of the NDPS Act, 1985, then the same is suggestive that the Court concerned might not have found any prima facie case against him. Had this fact been brought to the notice of the detaining authority, then it would have influenced the mind of the detaining authority one way or the other on the question whether or not to make an order of detention. The State never thought to even challenge the bail orders passed by the special court releasing the appellant on bail.”

* * * * *

“26. From the above decisions, it emerges that the requisite subjective satisfaction, the formation of which is a condition precedent to passing of a detention order will get vitiated if material or vital facts which would have bearing on the issue and weighed the satisfaction of the detaining authority one way or the other and influence his mind are either withheld or suppressed by the sponsoring authority or ignored and not considered by the detaining authority before issuing the detention order.

27. It is clear to our mind that in the case on hand at the time when the detaining authority passed the detention order, this vital fact, namely, that the appellant detenu had been released on bail by the Special Court, Tripura despite the rigours of Section 37 of the NDPS Act, 1985, had not been brought to the notice and on the other hand, this fact was withheld and the detaining authority was given to understand that the trial of those criminal cases was pending.

28. The preventive detention is a serious invasion of personal liberty and the normal methods open to a person charged with commission of any offence to disprove the charge or to prove his innocence at the trial are not available to the person preventively detained and, therefore, in prevention detention jurisprudence whatever little safeguards the Constitution and the enactments authorizing such detention provide assume utmost importance and must be strictly adhered to.”

30. In **Rushikesh Tenaji Bhoite vs. State Maharashtra and others**¹² the Hon’ble Apex Court held that In a case where detenu is released on bail and is enjoying his freedom under the order of the court at

¹² 2012(2) SCC 72

the time of passing the order of detention, then such order of bail, must be placed before the detaining authority to enable him to reach at the proper satisfaction. The non-placing and non-consideration of the material, as vital as the bail orders vitiated the subjective decision of the detaining authority.

31. In **Dunga Kumari vs. The State of Andhra Pradesh and others**, (W.P.No.23639 of 2025 decided on 08.07.2026) it was held, after referring *inter alia* to **Champion R. Sangma v. State of Meghalaya and Another**¹³, that even if the detenu is in jail in connection with some criminal cases there is no prohibition in law to pass the detention order, however, certain aspects have to be borne in mind by the detaining authority and the satisfaction on those aspects is to be arrived at while passing the detention order. Those factors, were restated being; (1) If the authority passing the order is aware of the fact that the detenu is actually in custody; (2) If he has reason to believe on the basis of reliable material placed before him (a) that there is a real possibility of his being released on bail, and (b) that on being so released he would in all probability indulge in prejudicial activity; and (3) if it is felt essential to detain him from so doing.

32. Paragraph Nos.12,13, 15 and 16 of **Dunga Kumari** (supra) are being reproduced as under:

“12. In **Champion R. Sangma** (supra), the Hon’ble Apex Court has held that even if the detenu is in jail in connection with some criminal cases, there is no prohibition in law to pass the

¹³ (2015) 16 SCC 253

detention order. However, there are certain aspects which have to be borne in mind by the detaining authority and satisfaction on those aspects is to be arrived while passing the detention order. Referring to the case in ***Kamarunnissa v. Union of India***¹⁴ those three factors were re-stated; (1) If the authority passing the order is aware of the fact that the detenu is actually in custody; (2) If he has reason to believe on the basis of reliable material placed before him (a) that there is a real possibility of his being released on bail, and (b) that on being so released he would in all probability indulge in prejudicial activity; and (3) if it is felt essential to detain him from so doing. The Hon'ble Apex Court held that if the authority passes an order after recording his satisfaction on these aspects, such an order cannot be struck down on the ground that the proper course for the authority was to oppose the bail and if bail is granted notwithstanding such opposition, to question it before a higher Court.

13. Paragraphs 9, 10 and 11 of ***Champion R. Sangma*** (supra) are reproduced as under:

“9. Coming to the ground on which we intend to allow this appeal, we may point out that even if the appellant is in jail in connection with some criminal case(s) there is no prohibition in law to pass the detention order. Law on this aspect is well settled and stands crystallised by a plethora of judgments of this Court. However, a reading of those very judgments also clarifies that there are certain aspects which have to be borne in mind by the detaining authority and satisfaction on those aspects is to be arrived at while passing the detention order.

10. There are three such factors which were restated in *Kamarunnissa v. Union of India* [*Kamarunnissa v. Union of India*, (1991) 1 SCC 128 : 1991 SCC (Cri) 88] : (SCC pp. 140-41, para 13)

“13. From the catena of decisions referred to above it seems clear to us that even in the case of a person in custody a detention order can validly be passed (1) if the authority passing the order is aware of the fact that he is actually in custody; (2) if he has reason to believe on the basis of reliable material placed before him

¹⁴ (1991) 1 SCC 128

(a) that there is a real possibility of his being released on bail, and (b) that on being so released he would in all probability indulge in prejudicial activity; and (3) if it is felt essential to detain him to prevent him from so doing. If the authority passes an order after recording his satisfaction in this behalf, such an order cannot be struck down on the ground that the proper course for the authority was to oppose the bail and if bail is granted notwithstanding such opposition, to question it before a higher court. What this Court stated in *Ramesh Yadav* [*Ramesh Yadav v. District Magistrate, Etah*, (1985) 4 SCC 232 : 1985 SCC (Cri) 514] was that ordinarily a detention order should not be passed merely to pre-empt or circumvent enlargement on bail in cases which are essentially criminal in nature and can be dealt with under the ordinary law. It seems to us well settled that even in a case where a person is in custody, if the facts and circumstances of the case so demand, resort can be had to the law of preventive detention. This seems to be quite clear from the case law discussed above and there is no need to refer to the High Court decisions to which our attention was drawn since they do not hold otherwise. We, therefore, find it difficult to accept the contention of the counsel for the petitioners that there was no valid and compelling reason for passing the impugned orders of detention because the detenus were in custody.”

11. The aforesaid dicta is reiterated in subsequent judgments as well. Some of which are as under:

(i) *T.V. Sravanan v. State* [*T.V. Sravanan v. State*, (2006) 2 SCC 664 : (2006) 1 SCC (Cri) 593] ,

(ii) *K.K. Saravana Babu v. State of T.N.* [*K.K. Saravana Babu v. State of T.N.*, (2008) 9 SCC 89 : (2008) 3 SCC (Cri) 679] ,

(iii) *Huidrom Konungjao Singh v. State of Manipur* [*Huidrom Konungjao Singh v. State of Manipur*, (2012) 7 SCC 181 : (2013) 1 SCC (Cri) 956] .”

15. The other cited judgments of **Syed Mohiyuddin** (supra), **Cheemparthi Parvin** (supra) and **V. Adi Lakshmi** (supra) as in para-7 (supra) also hold the same relying upon the Hon’ble Apex Court judgment in **Champion R. Sangma** (supra). But, the question is whether the Order of Detention would be vitiated on the aforesaid submissions and grounds and the detenu entitled to be set free.

16. The aforesaid law is by now well settled. When tested on the triple tests as in ***Champion R. Sangma*** (supra) the Order of Detention satisfied only the first test, i.e., the detaining authority was aware that the detenu was in custody in Cr.No.42 of 2025 (Ground No.6). However, the other two tests are not satisfied. While considering the Ground No.6, the Principal Secretary to Government has not recorded its satisfaction; (1) that the authority had reason to believe on the basis of reliable material placed before him, (a) that there was a real possibility of the detenu being released on bail, and (b) that on being so released he would in all probability indulge in prejudicial activity; and (2) if it was felt essential to prevent him from so doing, with respect to the aforesaid case. So, the Order of Detention cannot stand on Ground No.6.”

33. In **Dunga Kumari** (supra), this Court also considered Section 6 of PIT NDPS Act according to which, where a person has been detained in pursuance of an order of detention under sub-section (1) of section 3, which has been made on two or more grounds, such order of detention shall be deemed to have been made separately on each of such grounds. So, if the order of preventive detention cannot be sustained on any one or more grounds but can be sustained on some ground on which the order of detention, has been passed, the order of preventive detention shall be valid and not invalid, as the order of preventive detention under the PIT NDPS Act is considered a separate order on each and every ground. So, unless all the grounds are unsustainable, the order of preventive detention would not be invalid. The detenu in that case shall not be entitled to be set free.

34. Paragraphs 19, 20 to 26 of **Dunga Kumari** (supra) are being reproduced as under:

“19. Section 6 of PIT NDPS Act provides as under:

“6. Grounds of detention severable.-Where a person has been detained in pursuance of an order of detention under sub-section (1) of section 3 which has been made on two or more grounds, such order of detention shall be deemed to have been made separately on each of such grounds and accordingly-

(a) such order shall not be deemed to be invalid or inoperative merely because one or some of the grounds is or are-

(i) vague,

(ii) non-existent,

(iii) not relevant,

(iv) not connected or not proximately connected with such person, or

(v) invalid for any other reason whatsoever, and it is not therefore possible to hold that the Government or officer making such order would have been satisfied as provided in sub-section (1) of section 3 with reference to the remaining ground or grounds and made the order of detention;

(b) the Government or officer making the order of detention shall be deemed to have made the order of detention under the said sub-section (1) after being satisfied as provided in that sub-section with reference to the remaining ground or grounds.”

20. A bare perusal of Section 6 of PIT NDPS Act shows that where a person has been detained in pursuance of an order of detention under sub-section (1) of Section 3 which has been made on two or more grounds, such order of detention shall be deemed to have been passed separately on each of such grounds, and accordingly, (a) such order shall not be deemed to be invalid or

inoperative merely because one or some of the grounds is or are; (i) vague, (ii) non-existent, (iii) not relevant, (iv) not connected or not proximately connected with such person, or (v) invalid for any other reasons whatsoever, and it is not therefore possible to hold that the Government or Officer making such order would have been satisfied as provided in sub-section (1) of Section 3 with reference to the remaining ground or grounds and make the order of detention. Clause (b) makes it more clear that the Government or Officer making the order of detention shall be deemed to have made the order of detention under the sub-section (1) of Section 3 after being satisfied as provided in that sub-section with reference to the remaining ground or grounds.

21. In ***Mortuza Hussain Choudhary v. State of Nagaland***¹⁵ the Hon'ble Apex Court observed and held that Section 6 of PIT NDPS Act, 1988 provides that grounds of detention are severable and an order of detention shall not be deemed to be invalid or inoperative merely because one or some of the grounds are either found to be vague, nonexistent, irrelevant or not connected with such persons or is invalid for any other reason. The Hon'ble Apex Court further observed that Section 6 specifically records that where a person has been detained pursuant to an order of detention under Section 3 (1), which has been made on two or more grounds, such order shall be deemed to have been made separately on each ground. Paragraph-7 of ***Mortuza Hussain Choudhary*** (supra) reads as under:

“7. It would be apposite at this stage to take note of the statutory regime of the Act of 1988. [Section 3\(1\)](#) thereof empowers the authorized officers, either of the Central Government or of a State Government, to detain any person with a view to prevent him/her from engaging in illicit traffic in narcotic drugs and psychotropic substances. [Section 3\(2\)](#) requires a State Government that passes such a detention order to forward a report of the same to the Central Government within ten days. [Section 3\(3\)](#) mandates communication of the grounds on which the detention order has been made to the detenu as soon as may be after the detention, but ordinarily not later than five days and in exceptional circumstances and for reasons to be recorded in writing, not later than

¹⁵ 2025 SCC OnLine SC 502

fifteen days from the date of detention. The sub-section records that this requirement is for the purposes of [Article 22\(5\)](#) of the Constitution, which mandates such communication as soon as may be. [Section 6](#) of the Act of 1988 provides that the grounds of detention are severable and an order of detention shall not be deemed to be invalid or inoperative merely because one or some of the grounds is either found to be vague, non-existent, irrelevant or not connected with such persons or is invalid for any other reason. [Section 6](#) specifically records that where a person has been detained pursuant to an order of detention under [Section 3\(1\)](#), which has been made on two or more grounds, such order shall be deemed to have been made separately on each ground. This indicates that the order of detention must be accompanied by the 'grounds of detention' made by the detaining authority itself. [Section 11](#) of the Act of 1988 speaks of the maximum period of detention and states that the same may be extended up to 2 (two) years from the date of detention."

22. In *Prakash Chandra Mehta v. Commissioner and Secretary, Government of Kerala*¹⁶ where under consideration was Section 5-A of **Conservation of Foreign Exchange and Prevention of Smuggling Activities Act** (COFEPOSA Act) which is on the same lines as Section 6 of PIT NDPS Act, the Hon'ble Apex Court held that Section 5-A stipulates that when the detention order has been made on two or more grounds, such order of detention shall be deemed to have been made separately on each of such grounds and accordingly if one irrelevant or one inadmissible ground had been taken into consideration that would not make the detention order bad.

23. Paragraphs 70 & 71 of *Prakash Chandra Mehta* (supra) read as under:

"70. Section 5-A of the said Act which was introduced by amendment in 1975 reads as follows:

"5-A. *Grounds of detention severable.*—Where a person has been detained in pursuance of an order of detention under sub-section (1) of Section 3 which has been made on two or more grounds, such order of detention shall be deemed to have been made separately on each of such grounds and accordingly—

¹⁶ 1985 SCC OnLine SC 316

(a) such order shall not be deemed to be invalid or inoperative merely because one or some of the grounds is or are—

(i) vague,

(ii) non-existent,

(iii) not relevant,

(iv) not connected or not proximately connected with such person, or

(v) invalid for any other reason whatsoever,

and it is not therefore possible to hold that the Government or officer making such order would have been satisfied as provided in sub-section (1) of Section 3 with reference to the remaining ground or grounds and made the order of detention;

(b) the Government or officer making the order of detention shall be deemed to have made the order of detention under the said sub-section (1) after being satisfied as provided in that sub-section with reference to the remaining ground or grounds.”

71. Section 5-A stipulates that when the detention order has been made on two or more grounds, such order of detention shall be deemed to have been made separately on each of such grounds and accordingly that if one irrelevant or one inadmissible ground had been taken into consideration that would not make the detention order bad.”

24. In *Vashisht Narain Karwaria v. State of U.P.*¹⁷ the same principle has been laid down by the Hon'ble Apex Court that in view of the specific provision even a single ground for detention if found to be material may be the basis of the detention order. Paragraph-11 of *Vashisht Narain Karwaria* (supra) reads as under:

“11. What Section 5-A provides is that where there are two or more grounds covering various activities of the detenu, each activity is a separate ground by itself and if one of the ground is vague, non-existent, not relevant, not connected or not proximately connected with such person or invalid for any other reason

¹⁷ (1990) 2 SCC 629

whatsoever, then that will not vitiate the order of detention.”

25. In view of the statutory provision of Section 6 of PIT NDPS Act, the Order of Detention passed under Section 3 (1) of PIT NDPS Act 1988 when passed on two or more grounds, such Order of Detention shall be deemed to have been passed separately on each of such grounds. In the present case, the impugned Order of Detention has been passed on six grounds i.e., two or more grounds. Such Order of Detention shall be deemed to have been passed separately on each of such grounds from Ground Nos.1 to 6. So, even if it be taken that the Order cannot be sustained on Ground No.6, for non-consideration of three requirements with respect to the detenu being in judicial custody, it cannot be held that the detaining authority had not satisfied on the other grounds, only because of no satisfaction recorded relating to Ground No.6. It shall be deemed that the State Government or the detaining authority had made the Order of Detention after being satisfied on the remaining grounds.

26. Order of Detention shall not be deemed to be invalid for the remaining grounds and it shall be deemed that the Order of Detention has been made under Section 3 (1) of PIT NDPS Act 1988 after being satisfied with reference to the remaining 5 grounds. Simply because the Order of Detention cannot be sustained on Ground No.6, it cannot be said that the Order of Detention cannot be sustained on Ground Nos.1 to 5. It cannot be that the Order of Detention has to go. Notwithstanding that the Order of Detention cannot stand on Ground No.6, it is still a valid Order on Ground Nos.1 to 5. As already mentioned (supra), the only ground of challenge raised before us was to the Ground No.6.”

35. In the present case, the petitioner’s specific case is that the detenu was granted bail, but the bail orders were not considered in the order

of preventive detention. The petitioner has made a specific statement in para 3 of the affidavit about the grounds i.e., the criminal cases, in which, the bail was granted, and that the order of preventive detention does not show consideration of those bail orders. In paragraph No.12 of the counter affidavit the stand taken by the State, is that all the bail orders passed by the High Court of Andhra Pradesh, Karnataka High Court and the competent Special Courts were examined by the detaining authority with the case records and other material upon which it came to a subjective satisfaction that the activities of the detenu were prejudicial to the maintenance of public order and same needed to be prevented by an order of preventive detention. However, a perusal of the preventive detention order does not show consideration of the bail orders in the cases, in which bail was granted. There is no whisper even about the bail orders under Ground Nos.1 to 3, 5 & 6, that the accused/detenu was granted bail.

36. In ground No.4 i.e Crime No.716 of 2021 under Section 20(b)(ii)(B) of NDPS Act, 1985 of Penumaluru P.S., Krishna District, it is mentioned that the detenu (A2), was granted anticipatory bail and thereafter the procedure under Section 41-A of Cr.P.C was followed, eventually Section 35(b) Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) notice was served to A.2. Learned Government Pleader submits that the order of preventive detention can be sustained on ground No.4, and deserves not to be set aside. So far as this ground No.4 is concerned, in that criminal case,

the incident occurred on 08.08.2021. The order of preventive detention for that case, violates the 'rule of live and proximity link'. The proposal was forwarded in the year 2025 after almost four years and that too after the detenu was granted anticipatory bail to follow the procedure under Section 41-A of Cr.P.C which procedure was followed. There is nothing mentioned in the order of the preventive detention that the detenu was not complying with the notice. The order of preventive detention is a separate order on each ground under Section 6 of the PIT NDPS Act. So, it cannot stand on ground No.4. The subjective satisfaction of the detaining authority is based on a stale case having no casual connection. There was no necessity to pass the order of preventive detention after four years of the incident. The casual connection between the incident and need to detain in present is not established.

37. In ground No.7, also which relates to Crime No.52/2025 under Section 8(c) read with 20(d)(ii)(C) of NDPS Act, 1985 of Governorpet P.S., NTR Police Commissionerate, NTR District, the bail was granted which was not considered by the authority. Even if the bail was granted after the order of preventive detention and so the detenu even if in judicial custody, the detaining authority was required to apply the triple test and only on being satisfied of such test could have passed the order of preventive detention based on that criminal case in ground No.7. We do not find any such consideration. The triple test as laid down in **Champion R.Sangma**

(supra) not having been considered, it cannot be said that the detaining authority had recorded its subjective satisfaction based on legal consideration. The order of preventive detention cannot stand even on ground No.7.

38. The detention order has been passed after 139 days of the proposal. There is no explanation of the delay for such a long period. It reflects that the detaining authority was indifferent in passing the order of preventive detention which is further indicative of the fact that there was no causal connection with the incidents and to detain the detenu to achieve the objective of the preventive detention. The satisfaction recorded is therefore not the subjective satisfaction based on relevant considerations.

39. The prevention detention order also mentions five more cases, but the order of preventive detention has not been passed on those grounds.

40. We have already observed that with respect to the rest of the grounds 1 to 3, 5 & 6, the order cannot be sustained. It violates the 'rule of live and proximity link', and the bail orders were also not considered. So, the order of preventive detention cannot be sustained on any of the grounds, it has been passed.

41. In view of the aforesaid, we hold that the impugned order of detention and the order of confirmation cannot be sustained. The continued

detention of the detenu pursuant to those orders, is illegal, and he is entitled to be released.

42. The writ petition is ***allowed***, setting aside the impugned order of preventive detention by the State by G.O.Rt.No.1314, Revenue (Excise.II) Department, dated 29.10.2025, passed against the detenu, and the order of confirmation by the State by G.O.Rt.No.69, Revenue (Excise.II) Department, dated 12.01.2026. The detenu by name Sri Bikki Narendra Babu @ Vicky Chowdary @ Pushpa, S/o Kumar, Age 34 years, Post Office Back side, Tadigadapa (V), Penamaluru (M), Krishna District, Andhra Pradesh, shall be released/set free forthwith, if not required in any other case.

No order as to costs.

As a sequel thereto, miscellaneous petitions, if any pending, shall also stand closed.

RAVI NATH TILHARI, J

PURUSHOTTAM KUMAR CHINTALAPUDI, J

Date :14.07.2026.

Note :- L.R. Copy to be marked.

B/o
RPD.

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THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI
THE HONOURABLE SRI JUSTICE PURUSHOTTAM KUMAR
CHINTALAPUDI

(ALLOWED)

WRIT PETITION NO: 5684 of 2026

Date : 14.07.2026

Note :- L.R. Copy to be marked.

B/o
RPD.

*** THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI**

*** THE HONOURABLE SRI JUSTICE PURUSHOTTAM KUMAR
CHINTALAPUDI**

+ WRIT PETITION NO: 5684 OF 2026

% 14.07.2026

Ponna Roja.

.....Petitioner

And:

\$ The State of Andhra Pradesh and others

....Respondents.

!Counsel for the Petitioner : Ms.Nuthakki Saarasa Raga Varshini

^Counsel for the respondents : Sri Kirthi Teja Kondaveeti
Learned Government Pleader attached to the
office of learned Advocate General

<Gist:

>Head Note:

? Cases referred:

1. 2022 SCC OnLine SC 1333
2. W.P.No.23639 of 2025
3. (2023) 2 SCC 597
4. (2007) 12 SCC 354
5. (2006) 4 SCC 796
6. (1989) 4 SCC 741
7. (2020) 13 SCC 632
8. (1992) 1 SCC 434
9. (1982)2 SCC 403
10. 1979 Cri LJ 203
11. (1975) 3 SCC 395
12. 2012(2) SCC 72
13. (2015) 16 SCC 253
14. (1991) 1 SCC 128
15. 2025 SCC OnLine SC 502
16. 1985 SCC OnLine SC 316
17. (1990) 2 SCC 629

HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

* * * *

WRIT PETITION NO: 5684 OF 2026*DATE OF JUDGMENT PRONOUNCED: 14.07.2026***SUBMITTED FOR APPROVAL:****THE HON'BLE SRI JUSTICE RAVI NATH TILHARI**

&

**THE HONOURABLE SRI JUSTICE PURUSHOTTAM KUMAR
CHINTALAPUDI**

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| 1. <i>Whether Reporters of Local newspapers may be allowed to see the Judgments?</i> | Yes/No |
| 2. <i>Whether the copies of judgment may be marked to Law Reporters/Journals</i> | Yes/No |
| 3. <i>Whether Your Lordships wish to see the fair copy of the Judgment?</i> | Yes/No |

RAVI NATH TILHARI,J

PURUSHOTTAM KUMAR CHINTALAPUDI, J

