

HIGH COURT OF ANDHRA PRADESH

* * * *

WRIT PETITION No.11968 of 2026

Between:

P.Rahul & another

.....PETITIONERS

AND

The State of Andhra Pradesh and 6 others

.....RESPONDENTS

DATE OF JUDGMENT PRONOUNCED : 09.09.2026

DATE OF JUDGMENT UPLOADED : .09.2026

SUBMITTED FOR APPROVAL:

**THE HON'BLE SRI JUSTICE RAVI NATH TILHARI
&
THE HON'BLE SRI JUSTICE ALAPATI GIRIDHAR**

- | | |
|---|--------|
| 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 Your Lordships wish to see the fair copy of the Judgment? | Yes/No |

RAVI NATH TILHARI, J

ALAPATI GIRIDHAR, J

*** THE HON'BLE SRI JUSTICE RAVI NATH TILHARI
&
* THE HON'BLE SRI JUSTICE ALAPATI GIRIDHAR**

+ WRIT PETITION No.11968 of 2026

% 09.09.2026

Between:

P.Rahul & another

.....PETITIONERS

AND

The State of Andhra Pradesh and 6 others

.....RESPONDENTS

! Counsel for the Petitioner

: Sri V.R.Reddy Kovvuri

Counsel for the Respondents

: Sri Akula Venkata Sai Jagadeesh,
learned Assistant Government Pleader

< Gist :

> Head Note:

? Cases Referred:

1. (1975) 4 SCC 114
2. (2006) 4 SCC 796
3. (1989) 4 SCC 741

THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI

THE HONOURABLE SRI JUSTICE ALAPATI GIRIDHAR

WRIT PETITION NO: 11968 OF 2026

ORDER: *(per Ravi Nath Tilhari, J)*

Heard Sri V.R.Reddy Kovvuri, learned counsel for the petitioner and Sri Akula Venkata Sai Jagadeesh, learned Assistant Government Pleader for the respondents.

2. The petitioner has filed this writ petition for writ of Habeas Corpus under Article 226 of Constitution of India also challenging the order of preventive detention of the detenu namely P.Parandamu @ Parandamaiah.

3. With respect to the detenu an order of preventive detention G.O.Rt.No.1429 Revenue (Excise.II) Department dated 21.11.2025 was passed by the Principal Secretary to Government under Section 3(1) of the Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988 (PIT NDPS ACT, 1988). The same was confirmed vide G.O.Rt.No.72Revenue (EXCISE.II) Department dated 13.01.2026.

4. The preventive detention order was passed on the following grounds i.e., the criminal cases, 7 in number:

- i) Cr.No.128/2011 under Section 20(b) of NDPS Act – 1985 of Srikalahasti II Town Police Station
- ii) Cr.No.01/2015 under Section 20(b) of NDPS Act – 1985 of Srikalahasti II Town Police Station.
- iii) Cr.No.78/2016 under Section 8(c) r/w. 20(b) (ii) (C) of NDPS Act – 1985 of Prohibition Excise Station, Srikalahasti.
- iv) Cr.No.10/2020 under Section 20(b) (ii) (C) of NDPS Act – 1985 of Renigunta Police Station.
- v) Cr.No.219/2020 under Section 20(b) (ii) (C) of NDPS Act – 1985 of Srikalahasti II town Police Station.
- vi) Cr.No.280/2022 under Section 20(b) (ii) (C) of NDPS Act – 1985 of Yerpedu Police Station.
- vii) Cr.No.39/2023 under Section 20(b) (ii) (C) of NDPS Act – 1985 of Srikalahasti II town Police Station.

5. Learned counsel for the petitioner submits that the last incident occurred on 03.04.2023. The detention order was passed on 21.11.2025 i.e. about 2 years after the last incident. The invocation of the provisions of the NDPS Act against the detenu after a long delay of about two years from the last incident and many more years from the other incidents is neither warranted nor justified in law.

6. The learned Assistant Government Pleader submits that the detaining authority considered the cumulative pattern of conduct, including more recent cases from 2020, 2022 and 2023. Those cases registered against the detenu demonstrate a continuing propensity to indulge in illicit trafficking of cannabis. The live and proximate link is maintained through the detenu's repeated involvement in narcotic offences upto 2023.

7. We have considered the aforesaid submissions and perused the material on record.

8. The law is well settled that there must have a proximate and continuous link between the prejudicial activities and the purpose of detention, so as to establish a rational nexus between the two. In ***Mohd. Sahabuddin v. Distt. Magistrate, 24 Parganas***¹, the Hon'ble Supreme Court quashed the order of preventive detention on the sole ground that the order of preventive detention was passed nearly seven months after the criminal incident. Subjective satisfaction had no proximate rational nexus with prejudicial act. Para-3 of ***Mohd. Sahabuddin*** (supra) reads as under:

“3. On the basis that there is a long unexplained delay between the criminal occurrence and the detention order, this Court has held that such detention must be held illegal because the subjective satisfaction has no proximate

¹ (1975) 4 SCC 114

rational nexus with the prejudicial act. We have to follow the same view here also. The order of detention is quashed, the *rule nisi* made absolute and the petitioner is directed to be released forthwith.”

9. In ***Rajinder Arora v. Union of India***², 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***³ in which it was held that there should be a proximity of time between the prejudicial activities and the purpose of detention, though, no hard-and-fast rule can be laid down, which may be applicable equally to the facts and circumstances of every case. The test of proximity is not a rigid or mechanical test by counting the number of months between the offending acts and the order of detention. It has to be examined whether the causal connection has been broken in the circumstances of each case. Para 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

² (2006) 4 SCC 796

³ (1989) 4 SCC 741

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.”

10. In the present case the order of preventive detention was passed after nearly two years of last incident in ground No.7. The other incidents in ground Nos.1 to 6 are much earlier incidents. If the necessity of passing the order of preventive detention was not considered for such a long period, there cannot be any justification nor a causal connection between the incidents and the necessity to detain preventively the detenu for the object or purpose of preventive detention. There is long unexplained delay between the criminal occurrences and the detention

order. The subjective satisfaction of the detaining authority has no proximate rational nexus with the criminal incidents. The order of preventive detention and of confirmation cannot be sustained.

11. The writ petition is allowed. The order of preventive detention dated 21.11.2025 and the order of confirmation dated 13.01.2026 are set aside.

12. The Detenu shall be set at liberty immediately, if he is not in detention in any other pending case.

No order as to costs.

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

RAVI NATH TILHARI,J

ALAPATI GIRIDHAR,J

Dated: 09.09.2026

Note:

LR copy to be marked

B/o

AG

219

THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI

THE HONOURABLE SRI JUSTICE ALAPATI GIRIDHAR

WRIT PETITION NO: 11968 OF 2026

Dated: 09.09.2026

Note:

LR copy to be marked

B/o

AG