

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

TUESDAY, THE TWENTY SEVENTH DAY OF JANUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE E.V. VENUGOPAL

WRIT PETITION NO: 2351 OF 2026

Between:

Smt. Sura Laxmi, W/o. Venkata Raju, Aged. 55 Years, Occ. Coolie, Caste Oddera, R/o 12-80, Shanthi Nagar, Khanapur (VandM), Nirmal District.

...PETITIONER

AND

1. The state of Telangana, Rep by its Principal Secretary, Prohibition and Excise Department, Secretariat, Hyderabad.
2. The state of Telangana, Rep by its Principal Secretary, Revenue department, Secretariat, Hyderabad.
3. The Tahasildar, And Mandal executive magistrate Khanapur, Mandal Khanapur, Dist. Nirmal.
4. The superintendent, District Jail, Adilabad, Dist. Adilabad.
5. The Station House Officer, prohibition and excise department, Rep by its Public Prosecutor, High Court for the state of Telangana

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate writ order or direction more particularly one in the nature of writ of mandamus to the respondents by declaring issuing of Form 16 vide proceedings no. MC No. A/78/2026 dated 22.01.2026 is illegal, arbitrary and unconstitutional and violation of Article 14, 16 and 21 of the constitution of India and also against to the principles of Natural justice and consequently set aside the impugned orders vide proceedings no MC No. A/78/2026 dated 22.01.2026.

IA NO: 1 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct

the respondent no 4 to immediately release the petitioner from the district jail Adilabad pending disposal of the main writ petition.

Counsel for the Petitioner: SRI POLAMPELLI RAJU

Counsel for the Respondent Nos.1,4 & 5: GP FOR PROHIBITION EXCISE

Counsel for the Respondent Nos.2 & 3: GP FOR REVENUE

The Court made the following: ORDER

**4IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

THE HONOURABLE SRI JUSTICE E.V.VENUGOPAL

WRIT PETITION No.2351 of 2026

DATE: 27.01.2026

Between:

Smt. Sura Laxmi.

...Petitioner

AND

The State of Telangana,
Rep. by its Principal Secretary,
Prohibition and Excise Department,
Secretariat Building, Hyderabad and 4 others.

...Respondents

ORDER

This Writ Petition is filed seeking the following relief:-

“...to issue an appropriate writ, order or direction more particularly one in the nature of writ of mandamus to the respondents by declaring issuing of Form 16 vide proceedings No.MC.No.A/78/2026, dated 22.01.2026 is illegal, arbitrary and unconstitutional and violation of Article 14, 16 and 21 of the Constitution of India and also against to the principles of Natural justice and consequently set aside the impugned orders vide proceedings No.MC.No.A/78/2026, dated 22.01.2026...”

2. This writ petition is filed challenging the issuance of proceedings in Form No.16, whereby and whereunder a Warrant of Commitment was issued against the petitioner for failure to furnish security for good behaviour under Section 141 of the BNSS. Pursuant thereto, the petitioner was directed to undergo imprisonment as imposed by the Executive Magistrate and Tahsi dar, Khanapur Mandal, in M.C. No. A/78/2026 dated 22.01.2026. Consequently, the Prohibition and Excise Station, Nirmal, issued the warrant on 22.01.2026 and remanded the petitioner to the custody of the District Jail, Adilabad. Through the said order, the petitioner has been placed in judicial custody. Aggrieved by the said proceedings and warrant of commitment, the present writ petition is filed.

3. Learned counsel for the petitioner would submit that a notice for forfeiture of bond for good behaviour under Section 122(1)(b) of the BNSS is stated to have been issued to the petitioner on 22.12.2025 in M.C. No. A/1531/2025, alleging breach of the bond by the petitioner on the ground of commission of an offence under Section 7(A) read with Section 8(e) of the Prohibition Act, 1995, in Crime No. 667/2024 dated 14.11.2024 on the file of the Prohibition and Excise

Station (SHO), Nirmal. By the said notice, the petitioner was called upon either to pay a penalty of Rs.2,00,000/- or to show cause within seven days from the date of receipt of the notice as to why she should not be adjudged to undergo imprisonment.

3.1. He would further submit that the petitioner, being illiterate, was not in a position to submit any effective explanation within the short period of seven days and, in fact, was unaware of the issuance of the said notice. Without proper application of mind and without affording a reasonable opportunity of hearing to the petitioner, the impugned order came to be passed in M.C. No. A/78/2026 dated 22.01.2026 on the file of the Prohibition and Excise Station, Nirmal, holding that the petitioner had breached the bond by allegedly committing an offence in Crime No. 667/2024 dated 14.11.2024.

3.2. Learned counsel for the petitioner would submit that the impugned order has been passed without affording any opportunity to the petitioner and without assigning any reasons, particularly on the aspect of the petitioner allegedly not furnishing any explanation in response to the notice issued under Section 122(1)(b) of the BNSS. He would, in the first instance, submit that pursuant to the order passed by

the Executive Magistrate and Tahsildar, Khanapur Mandal, in M.C. No. A/78/2026 dated 22.01.2026, the petitioner has been remanded to the District Jail, Adilabad.

3.3. Secondly, learned counsel would submit that placing reliance on C.O.R. No. 70 of 2025 dated 19.02.2025 on the file of the Prohibition and Excise Station, Nirmal, cannot constitute a valid ground to hold the petitioner guilty of breach of bond in the said case, the petitioner has been arrayed as an accused and was initially shown as absconding; however, no proceedings have been conducted therein and there is no conviction against the petitioner. In the absence of any adjudication or conviction, remanding the petitioner to judicial custody on the ground of alleged breach of bond is perverse, illegal, and amounts to an abuse of process of law.

3.4. In support of his contention, learned counsel placed reliance on the order passed by this Court in W.P. No. 17391 of 2020, wherein this Court categorically held that mere involvement in a criminal case would not, by itself, constitute breach of a bond for good behaviour, as the same cannot be equated with a conviction. Accordingly, the notice impugned therein was set aside both on facts and in law.

Applying the said principle to the facts of the present case, learned counsel would submit that the respondent authority has erroneously adjudged that mere involvement of the petitioner in a crime amounts to breach of bond, which is wholly improper and illegal.

3.5. Stating so, learned counsel would pray that this Hon'ble Court may be pleased to allow the writ petition by passing appropriate orders.

4. Learned Assistant Government Pleader for Excise on the other hand would submit that Section 8(E) of A.P. Prohibition Act, 1995 reads as follows:

“contravens the provisions of Section 7-A shall on conviction be punished with imprisonment for a term which shall not be less than one year but which may extend upto five years and with fine which shall not be less than rupees ten thousand by which may extend upto rupees one lakh.”

4.1. He would submit that the petitioner had executed a bond for maintaining good behaviour and, in the event of violation thereof, had undertaken to pay a sum of Rs.2,00,000/-. As the petitioner failed to furnish the said amount consequent upon the alleged breach of bond under Section 171(B) of the BNSS, the Executive Magistrate initiated

proceedings in M.C. No. A/78/2026 dated 22.01.2026 and accordingly issued Form No.16. He would further submit that, despite service of notice, the petitioner failed to respond and, therefore, cannot now claim innocence or seek to avoid the consequences flowing from the breach of bond. Stating so, he would seek to dismiss the writ petition.

5. This Court, having heard the learned Assistant Government Pleader for Excise and Prohibition and upon perusal of the material available on record, is of the considered opinion that the impugned notice issued under Section 122(1)(b) of the BNSS for maintaining good behaviour cannot be presumed to have been violated merely on the registration of C.O.R. No. 70 of 2025 dated 19.01.2025 on the file of the Prohibition and Excise Station, Nirmal, wherein the petitioner has been shown as an accused. As rightly held by this Court in W.P. No. 17391 of 2020, mere involvement of a person in a criminal case by itself would not constitute breach of a bond for good behaviour.

5.1. In the present case, the petitioner was not afforded any further opportunity to submit an explanation to the show-cause notice, and the impugned order dated 22.01.2026 came to be passed after a lapse of _____

one month, directing detention of the petitioner in judicial custody for a period of 302 days, which is perverse.

5.2. Further, the Form No.16 along with the Warrant of Commitment for failure to furnish security for good behaviour, issued by the Executive Magistrate and Tahsildar, Khanapur Mandal, is unsustainable in law and is liable to be set aside. Merely because the notice bears a thumb impression, it cannot be conclusively presumed that the same was received by the petitioner, as it could have been received by some other person. Moreover, the petitioner having been shown as absconding and traced in C.O.R. No.70 of 2025, dated 19.02.2025 on the file of the Prohibition and Excise Station, Nirmal, by itself cannot form the basis to conclude that the petitioner is involved in the said crime. Mere involvement in another criminal case does not amount to breach of good behaviour.

6. Accordingly, this Court deems it appropriate to set aside the impugned order i.e., Warrant of Commitment for failure to furnish security for good behavior in M.C.No.A/78/2026, dated 22.01.2026 passed by the respondent authority, as the same has no foundation. In consequence thereof, issuance of Warrant of Commitment for failure

to furnish security for good behavior under Form No. 16 under Section 141 BNSS shall render infructuous. Accordingly, respondent No.4 is directed to release the petitioner forthwith, upon receipt of a copy of this order.

7. Accordingly, this writ petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

SD/- M. JAWAHAR REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Principal Secretary, Prohibition and Excise Department, Secretariat, Hyderabad, State of Telangana.
2. The Principal Secretary, Revenue department, Secretariat, Hyderabad, State of Telangana.
3. The Tahasildar, And Mandal executive magistrate Khanapur, Mandal Khanapur, Dist. Nirmal.
4. The superintendent, District Jail, Adilabad, Dist. Adilabad
5. The Public Prosecutor, Station House Officer, prohibition and excise department, High Court for the state of Telangana
6. One CC to SRI POLAMPELLI RAJU, Advocate [OPUC]
7. Two CCs to GP FOR PROHIBITION EXCISE, High Court for the State of Telangana, at Hyderabad. [OUT]
8. Two CCs to GP FOR REVENUE, High Court for the State of Telangana, at Hyderabad. [OUT]
9. Two CD Copies

PSK.

PSK

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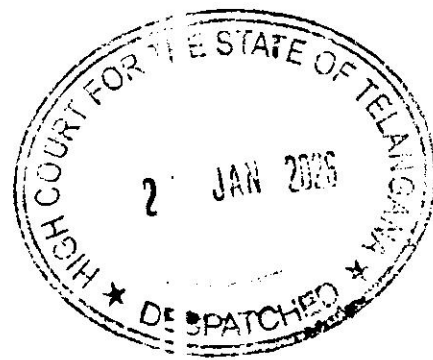
CC TODAY

HIGH COURT

DATED:27/01/2026

ORDER

WP.No.2351 of 2026



DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

13 MT
27/1/26