

GAHC010238702023



**THE GAUHATI HIGH COURT**  
**(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)**

**Case No. : W.P.(Crl.)/38/2023**

RAJMIN SULTANA  
D/O- ALHAJ HOQUE TALUKDAR @ HAJI SAMSUL HOQUE TALUKDAR  
R/O- VILL. AND PO. BORHAWAR  
P.S. MURJHAR  
DOBOKA  
DIST. HOJAI  
ASSAM

VERSUS

THE UNION OF INDIA AND 9 ORS  
THROUGH THE SECRETARY TO THE GOVT. OF INDIA  
MINISTRY OF FINANCE  
DEPARTMENT OF REVENUE  
NEW DELHI.

2:THE JOINT SECRETARY TO THE GOVT. OF INDIA  
MINISTRY OF FINANCE  
DEPARTMENT OF REVENUE (PITNDPS UNIT).

3:THE DEPUTY SECRETARY TO THE GOVT. OF INDIA  
MINISTRY OF FINANCE  
DEPARTMENT OF REVENUE  
NEW DELHI.

4:THE DIRECTOR GENERAL OF NARCOTIC CONTROL BUREAU  
NEW DELHI-11001.

5:THE ZONAL DIRECTOR OF NARCOTICS CONTROL BUREAU  
GUWAHATI ZONAL UNIT  
GUWAHATI.

6:PREM NARAYAN JHA  
INTELLIGENCE OFFICER  
NARCOTICS CONTROL BUREAU

GUWAHATI ZONAL UNIT  
GHY.  
7:THE JOINT SECRETARY TO THE GOVT. OF ASSAM  
HOME AND POLITICAL DEPARTMENT  
DISPUR.  
8:THE SUPERINTENDENT  
CENTRAL JAIL  
GUWAHATI.  
9:THE JAILOR

CENTRAL JAIL  
GUWAHATI.  
10:THE DISTRICT MAGISTRATE  
KAMRUP(M)

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Advocate for : MS. S K NARGIS

Advocate for : DY.S.G.I. appearing for THE UNION OF INDIA AND 9 ORS

**BEFORE**  
**HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK**  
**HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA**

**ORDER**

**13-06-2024**

(M.R.Pathak, J)

Heard Ms. N Sultana, learned counsel for the petitioner and Mr. K K Parasar, learned CGC for the respondent Nos. 1 to 5. Also heard Mr. H K Hazarika, learned Government Advocate, Assam for the respondent Nos. 7 to 10.

**2.** The petitioner's elder brother, namely, Ataur Rahman @ Athwar Rahman, son of Alhaj Samsul Hoque Talukdar @ Haji Samsul Hoque Talukdar, resident of Village-Borhawar, Police Station-Murajhar, District-Hojai was detained in custody by order dated 27.12.2022 issued by the Government of India, Ministry of Finance, Department of Revenue in exercise of the power conferred under Section 3 (1) of the Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substance Act (PITNDPS), 1988, directing to detain and keep him in the Guwahati Central Jail, Guwahati , Assam so as to prevent him from engaging in the illicit trafficking of narcotic drugs and psychotropic substances in future.

**3.** Pursuant to the said order of detention dated 27.12.2022, the petitioner was detained in

custody under PITNDPS Act, 1988 on 18.01.2023.

**4.** Aggrieved by the said order of detention dated 27.12.2022, younger sister of said detainee Ataur Rahman @ Athwar Rahman filed this writ petition.

**5.** During the deliberation of the matter, the respondents in the Government of India have filed their affidavit on 10.01.2024.

**6.** During pendency of this writ petition, the one year period of detention of the said detainee pursuant to the impugned order dated 27.12.2022 had already expired on 17.01.2024.

**7.** Both Mr. K K Parasar, learned CGC as well as Mr. H K Hazarika, learned Government Advocate, Assam, on instruction, submitted that the said detainee Ataur Rahman @ Athwar Rahman is presently in custody and has been detained in the Central Jail at Guwahati in connection with NCB Case No. 03/2022 registered under Section 8 (c) read with Sections 21 (c) and 29 of the NDPS Act, in which he was admitted in the Central Jail, Guwahati on 01.03.2022.

**8.** It is also submitted at the bar that the trial of the said NCB Case No. 03/2022 is presently pending as NDPS Case No. 180/2022 before the learned Special Judge (NDPS), Kamrup (Metro), Guwahati.

**9.** In view of the above, this writ petition, being infructuous, stands dismissed.

**JUDGE**

**JUDGE**

**Comparing Assistant**