

GAHC010235062024



AS:12818-DB

2024:GAU-

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

Case No. : I.A.(Civil)/3620/2024

CHAN MIYA @ CHAND MIYA
S/O LATE JONAB ALI @ JANAB ALI, R/O VILL-KALAHBHANGA, P.S.-
BARPETA ROAD, PIN-781315, DIST-BARPETA, ASSAM

VERSUS

THE UNION OF INDIA AND 7 ORS
REPRESENTED BY THE SECRETARY TO THE GOVT. OF INDIA, MINISTRY
OF HOME DEPARTMENT, NEW DELHI-1

2:THE STATE OF ASSAM
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF ASSAM
HOME DEPARTMENT
DISPUR
GUWAHATI-6

3:THE SUPERINTENDENT OF POLICE (B)
BARPETA
P.O. AND P.S.-BARPETA
DIST- BARPETA
ASSAM
PIN-781315

4:THE DEPUTY COMMISSIONER
BARPETA
DIST-BARPETA
ASSAM
PIN-781315

5:THE ELECTION COMMISSION OF INDIA
REPRESENTED BY THE CHIEF ELECTION COMMISSIONER

NEW DELHI-1

6:STATE COORDINATOR
NATIONAL REGISTER OF CITIZENS (NRC)
ASSAM
ACHYUT PLAZA
BHARALUPAR
BHANGAGARH
GUWAHATI-781005

7:THE SUPERINTENDENT OF POLICE (BORDER) BAKSA

P.O. MUSALPUR
PIN 781372
DISTRICT BAKSA (BTR)
ASSAM.

8:THE DEPUTY COMMISSIONER
BAKSA

P.O. MUSALPUR
PIN 781372
DISTRICT BAKSA (BTR)
ASSAM

Advocate for the Petitioner : MR. S ALIM, MR. A T SIKDER, MR. B HUSSAIN

Advocate for the Respondent : DY.S.G.I., SC, ECI, SC, NRC, SC, F.T

Linked Case : WP(C)/5573/2021

CHAN MIYA @ CHAND MIYA
S/O LATE JONAB ALI @ JANAB ALI
R/O VILL-KALAHBHANGA
P.S.-BARPETA ROAD
PIN-781315
DIST-BARPETA
ASSAM

VERSUS

THE UNION OF INDIA AND 5 ORS

REPRESENTED BY THE SECRETARY TO THE GOVT. OF INDIA
MINISTRY OF HOME DEPARTMENT
NEW DELHI-1

2:THE STATE OF ASSAM
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF ASSAM
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P.O. MUSALPUR
PIN-781372 DISTRICT-BAKSA(BTR)
ASSAM

Advocate for : MR. S ALIM

Advocate for : ASSTT.S.G.I. appearing for THE UNION OF INDIA AND 5 ORS

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

16.12.2024

(K.R. Surana, J)

Heard Mr. S. Alim, learned counsel for the petitioner. Also heard Mr. G. Sharma, learned Standing Counsel, FT and Home Department, for the respondent Nos. 2, 3, 6 and 7; Mr. P. Sharma, learned Senior Government Advocate appearing for the respondent Nos. 4 & 8 and Ms. P. Barua, learned Counsel for the respondent No. 5.

2. By an order dated 25.10.2021, passed in WP(C) 5573/2021, this Court had granted bail to the applicant with condition that he shall not leave the jurisdiction of Barpeta District without giving details of the place, destination or his place of stay to the Superintendent of Police, (Border), Barpeta. It is submitted that owing to the change in jurisdiction, the records in respect of the petitioner is now transferred to the Office of the Superintendent of Police, (Border), Baksa.

3. Accordingly, it is submitted that on the application filed by the applicant, this Court vide order dated 03.10.2024, passed in I.A.(Civil) 3063/2024, had allowed the impleading of Deputy Commissioner, Baksa as well as the Superintendent of Police, (Border), Baksa, as respondent Nos. 7 and 8 respectively.

4. It is submitted that in view of the directions contained in the order dated 25.10.2021, passed by this Court in WP(C) 5573/2021, the Superintendent of Police, (Border), Baksa, has not entertained the application filed by the

petitioner for acceptance of bail. Hence, this application.

5. Considering the submissions made by the learned counsel for the applicant as well as the learned Standing Counsel for the FT matters, the prayer made in the interlocutory application stands allowed.

6. It is provided that in the event, the applicant namely Chan Miya @ Chand Miya appears before the Superintendent of Police, (Border), Baksa (respondent no. 7), the said authority shall do the needful in terms of the order dated 25.10.2021, passed by this Court in WP(C) No. 5573/2021. The learned counsel for the petitioner has submitted that the applicant is willing to submit fresh bail bond, if required by the respondent no. 7. The said prayer is allowed. The second last paragraph of the said order stands modified accordingly.

7. This order shall be read together with the order dated 25.10.2021, passed by this Court in WP(C) 5573/2021.

JUDGE

JUDGE

Comparing Assistant