

GAHC010269972024



2024:GAU-AS:13019

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

**Case No. : I.A.(Civil)/3974/2024**

MD. SAHABUDDIN  
S/O- OSMAN ALI,  
R/O- VILLAGE- KALMOBARI NAMABASTI,  
P.S- MIKIRBHETA, DIST- MORIGAON, ASSAM

VERSUS

THE UNION OF INDIA AND 5 ORS  
REP. BY THE SECRETARY, MINISTRY OF HOME AFFAIRS, GOVT OF INDIA,  
SHASTRI BHAWAN, NEW DELHI-01

2:THE STATE OF ASSAM  
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM  
HOME DEPARTMENT  
DISPUR  
GUWAHATI-6

3:THE ELECTION COMMISSION OF INDIA  
REP. BY THE DISTRICT ELECTION OFFICER  
MORIGAON  
ASSAM

4:THE SUPERINTENDENT OF POLICE (B)  
MORIGAON  
ASSAM  
PIN-782460

5:THE DEPUTY COMMISSIONER  
MORIGAON  
ASSAM  
PIN-782460

6:THE STATE COORDINATOR  
NATIONAL REGISTER OF CITIZENS  
ASSAM  
1ST FLOOR  
ACHYUT PLAZA  
G.S ROAD.  
BHANGAGARH  
GUWAHATI-05  
DIST- KAMRUP (M

**Advocate for the Petitioner** : MR B P BORAH, MR. A KHANDAKAR,MR P J DUTTA

**Advocate for the Respondent** : DY.S.G.I., SC, F.T,GA, ASSAM,SC, ECI

Linked Case : WP(C)/3425/2024

MD. SAHABUDDIN  
S/O- OSMAN ALI

R/O- VILLAGE- KALMOBARI NAMABASTI

P.S- MIKIRBHETA  
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DIST- KAMRUP (M)

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Advocate for : MR B P BORAH  
Advocate for : DY.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**

**Date : 20.12.2024**  
(K.R. Surana, J)

Heard Mr. P.J. Dutta, learned counsel for the applicant. Also heard Mr. B. Deka, learned CGC; Ms. N. Bedi, learned counsel appearing on behalf of Ms. P. Barua, learned standing counsel for the ECI; Mr. G. Sarma, learned standing counsel for the FT matters; and Mr. R. Talukdar, learned Govt. Advocate for the State respondent.

2. By filing this interlocutory application, the applicant is seeking

release/bail from the transit camp at Matia, Goalpara, where he is detained since 06.01.2024 pursuant to opinion dated 18.05.2018, passed by the learned Member, Foreigner's Tribunal No.3<sup>rd</sup>, Morigaon in Case No. F.T.(C) 194/2015, arising out of IM(D)T Case No. 350/2001. The applicant is the second proceedee in the said case.

3. The prayer for bail is opposed by the learned standing counsel for the FT matters on the ground that it has taken a lot of effort for the Superintendent of Police (Border), Morigaon and district administration to apprehend the applicant. Accordingly, it is submitted that in the event the applicant is released on bail, there is every likelihood of absconding.

4. Considering that the applicant has been taken into custody since 06.01.2024 and has suffered detention for about 11 (eleven) months, the Court is of the considered opinion that the applicant, namely, Md. Sahabuddin be released on bail subject to compliance of the following conditions:

- a. The family members of the applicant shall appear before the Superintendent of Police (Border), Morigaon and furnish bail bond of Rs.5,000/- (Rupees five thousand only) with 2 (two) solvent sureties of like amount to the satisfaction of the said authority.
- b. Before the releasing the applicant on bail, the Superintendent of Police (Border), Morigaon shall obtain the biometrics of the iris of both eyes, the fingerprints of both hands and the photographs of the petitioner.
- c. The said authority shall also obtain necessary information and documentation as required under the Rules from the applicant for securing his presence.

5.           Thereafter, steps shall be taken by the Superintendent of Police (Border), Morigaon to have the applicant released from the detention centre within 3 (three) working days from the date of receipt of certified copy of this order.
6.           As a further condition of bail, the applicant is directed not to leave the territorial jurisdiction of Superintendent of Police (Border), Morigaon without prior written intimation to the said authority, failing which, it would be open to the Superintendent of Police (Border), Morigaon to move this Court for cancellation of bail.
7.           This interlocutory application stands allowed.

**JUDGE**

**JUDGE**

**Comparing Assistant**