

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

W.P. (Crl.) No. 10 of 2025

Moirangthem Oken @ Somorjit

Petitioner

Vs.

State of Manipur; & Ors.

Respondents

BEFORE

**HON'BLE THE CHIEF JUSTICE MR. KEMPAIAH SOMASHEKAR
HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA**

(ORDER)

(K. SOMASHEKAR, C.J.)

17.07.2025

[1] Heard the learned senior counsel for the petitioner, Mr. L. Shashibhushan and so also the learned Dy. Government Advocate for the State/respondents No. 1, 2 & 4, Mr. Phungyo Zingkhai; and learned CGC for the Union of India/respondent No. 3.

[2] This writ petition has been initiated by the petitioner/detenu/accused under Article 226 of the Constitution of India in the nature of Habeas Corpus, whereby in this writ proceeding seeking for a direction for quashing the order of detention dated 21.05.2025 passed by the District Magistrate, Imphal East District under the National Security Act, 1980, in Crl. NSA Case No. 3 of 2025 *vide* (Annexure-A/2).

[3] Whereas, learned senior counsel for the petitioner submits that at around 7:00 am of 05.05.2025, while the petitioner was on his way to

meet a friend at Sawombung Kabui Khunjao, he was detained by personnel of CDO, Imphal East unit and after his detention, he was handed over to the Officer in Charge, Lamlai Police Station Imphal East District, Manipur, along with the report alleging that while conducting C.I. Operation, the petitioner/detenu was spotted while he was trying to escape from their clutches and as such he was detained and further allegation has been made that weapon has been recovered from his possession.

[4] Learned senior counsel for the petitioner in this matter, submits that FIR No. 44 (05) 2025, LLI-PS has been registered against the petitioner/detenu/accused for the offences punishable under Section 17/20 of UA (P) Act, and so also offences under Section 25 (1-C) of the Arms Act and Expl. Subs. Act. Thereafter, he was produced before the Competent Magistrate and remanded him to police custody till 09.05.2024. Later, the petitioner/detenu was formally arrested on 09.05.2025 by Police Personnel of Heingang Police Station in Connection with FIR case No. 94(5) 2023 HNG-PS u/s 145/147/149/151/395/436/447/34 IPC 25A Act added 324/353 IPC & 25(1-A)/25(1-AB) A. Act & 20 UA (P) Act. The same has been indicated in Para 3 of the contentious contentions as being taken by the learned senior counsel for the petitioner, but the investigating agency has prepared the FIR which is only to suit the purpose of the petitioner/detenu being arrayed as accused in the aforesaid offences reflected in the FIR.

[5] It is further contended that the petitioner/detenu/accused who is in judicial custody after apprehended by the investigating agency, subsequently he has filed a bail application before the Court having jurisdiction, i.e. Special Judge (NIA), Imphal, for enlarging him on bail but the said bail application came to be dismissed on 29.05.2025 on the premises that none appeared for the petitioner in the aforesaid bail proceeding.

[6] However, learned senior counsel for the petitioner/detenu/accused in this matter took us to specific ground as keeping in view the provision of Section 8 of the National Security Act, 1980, but the grounds specifically reveals that the legible copy of the FIR said to have been recorded by the police/investigating agency and so also other materials are required to be facilitated to the petitioner/detenu/accused and it is of a right as keeping in view the provision of Article 22(5) of the Constitution of India.

Whereas, in this matter, the detaining authority even though furnished the documents keeping in view the provision of section 8 of the National Security Act 1980, but legible and also readable document has not been furnished by the detaining authority to the petitioner/detenu/accused.

[7] Learned Dy. Government Advocate in this matter is present before the court and facilitates the original record which has been maintained by the authority, and even in the said original record, the original copy of the FIR said to have been recorded by the investigating agency to

persuade the matter against the petitioner/accused is not find place, and even so in the original record, readable as well as legible copy of the FIR is not find place.

[8] On this premises, the learned senior counsel petitioner in this matter is seeking for quashing the detention order dated 21.05.2025 rendered by the District Magistrate, Imphal East, and also the consequential approval order dated 31.05.2025 rendered by the Commissioner (Home) Government of Manipur.

[9] Learned Dy. Government Advocate for the State, who is emphatically submitting and also countered to the arguments advanced by the learned senior counsel for petitioner/accused, stating that the detention order has been passed by the detaining authority based upon the materials available on record and also secured by the concerned investigating agency during the course of investigation and on these premises only, learned Dy. Government Advocate in this matter is seeking for dismissal of the present writ petition which is in the nature of habeas corpus and to confirm the detention order rendered by the District Magistrate, Imphal East.

[10] Whereas the learned senior counsel for the petitioner in this matter takes us to the contentious contentions that has been taken in this matter and also the contents made in documents that is the detention order dated 21.05.2025 rendered by the District Magistrate, Imphal East *vide* Annexure-A/2 and even the consequential approval order dated 31.05.2025

rendered by the Commissioner (Home), Government of Manipur *vide* Annexure-A/5 and further states that this order is also suffered from infirmity and also suffered from not in conformity with the relevant provision of the National Security Act, 1980 and on these premises only, the learned senior counsel in this matter seeking for intervention in this writ petition, which is in the nature of habeas corpus and set aside the detention order as rendered by the District Magistrate as well as the consequential approval order.

[11] Whereas keeping in view the contentious contentions as taken by the learned senior counsel for the petitioner/detenu/accused and even more importantly on the parts of the respondent/State by the learned Dy. Government Advocate keeping in view Article 21 of the Constitution of India, which reads as thus.

"21. Protection of life and personal liberty.—No person shall be deprived of his life or personal liberty except according to procedure established by law."

Also keeping in view the provision of Article 22(5) of the Constitution of India and more importantly the issues in between the petitioner and the respondents as has been addressed by the Judgement rendered by the Hon'ble Supreme Court of India in ***A.K. Gopalan Vs. State of Madras*** reported in ***AIR 1950 SC 27*** in issues relating to the scope of Article 21 and Article 22(5) of the Constitution of India and the same has been addressed in detail in the aforesaid judgment.

[12] Therefore, keeping in view the aforesaid reasons and also keeping in view the contentious contentions that has been made by the learned senior counsel for the petitioner inclusive of the learned Dy. Government Advocate for the State, without expressing any opinion on merits of this matter, it is deemed appropriate to state that the reasons stated in the petition have some substantiality and also there shall be some infirmity in the impugned order, consequently deserving to be set aside.

[13] In view of the aforesaid reasons and findings, the impugned detention order dated 21.05.2025 rendered by the District Magistrate, Imphal East District and the consequential approval order dated 31.05.2025 rendered by the Commissioner (Home) Government of Manipur are hereby quashed and set aside.

Consequent upon setting aside the impugned detention order, it is deemed appropriate to direct the authorities to release the petitioner forthwith unless his continued detention is validly required in connection with any other case.

The original record produced before the Court has been returned to the learned Dy. Government Advocate.

JUDGE

CHIEF JUSTICE

Sandeep