

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

W.P.(CRL) No. 12 of 2025

Md. Sirajuddin Khan

... Petitioner

- Versus -

State of Manipur & 3 Ors.

... Respondents

B E F O R E
HON'BLE THE CHIEF JUSTICE MR. M. SUNDAR
HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA

O R D E R
[M. Sundar, CJ]

09.10.2025

[1] Md. Ajmal Hussain, learned counsel for petitioner; Mr. Athouba Khaidem, learned State Public Prosecutor for R-1, 2, 4 & 5 (respondents Nos. 1, 2, 4 & 5) and Ms. Pamchui Shimray, learned counsel for R-3 (third respondent) are before this Court.

[2] Captioned writ petition has been filed with a habeas corpus plea.

[3] The preventive detention order dated 19.05.2025 bearing No. Cril. NSA Case No. 7 of 2025 (Annexure - A/1) made by fifth respondent (District Magistrate, Thoubal District) *qua* writ petitioner has been assailed.

[4] For the sake of convenience and clarity, fifth respondent shall be referred to as 'detaining authority' and afore-referred order dated 19.05.2025 bearing No. Cril. NSA Case No. 7 of 2025 made by fifth respondent shall be referred to as 'impugned preventive detention order'.

[5] Notwithstanding myriad grounds in the writ petition, Md. Ajman Hussain, learned counsel for writ petitioner, in the hearing today, predicated his campaign against the impugned preventive detention order on one point, and that one point is, the detaining authority has recorded subjective satisfaction, as regards imminent possibility of writ petitioner being enlarged on bail on the basis that a bail petition of detenu is pending. Elaborating on this point, learned counsel for petitioner adverted to Paragraph Nos. 2 to 4 of the impugned detention order and submitted that the detaining authority has proceeded on the basis that a bail application filed by the petitioner is pending. Learned counsel submitted empathetically that as on the date of the impugned preventive detention order, i.e. as of 19.05.2025, no bail application was either moved or pending.

[6] Mr. Athouba Khaidem, learned State Public Prosecutor appearing on behalf of R-1, R-2, R-4 & R-5 submitted that a co-accused in one of the 2 (two) FIRs had objected to the remand and the Trial Court had made an order saying that the objection to remand application shall be treated as bail petition.

[7] Before proceeding further, this Court deems it appropriate to record the obtaining position that there are 2 (two) FIRs as against the writ petitioner. One is FIR No. 07(04) 2025 HRK-PS, U/S 20 UA(P) Act, 25(C-1) A. Act, 191(2), 191(3), and 221 of BNS, 2023 and Section 6(1-A) IWT Act, 1993 made by Heirok Police Station, Thoubal District and second is FIR No. 14(01) 2025 SJM-PS, U/S 109/35/(3)/118(2)/3(5) BNS & 25(1-B), At. Act added 20 UA(P) Act made by Singjamei Police Station, Imphal West District.

[8] We carefully considered the argument of the writ petitioner and submission made by the learned State Public Prosecutor.

[9] The submission that an objection to remand by a co-accused in Heirok Police Station FIR No. 07(04) 2025 HRK-PS, U/S 20 UA(P) Act, 25(C-1) A. Act, 191(2), 191(3), and 221 of BNS, 2023 and Section 6(1-A) IWT Act, 1993 in the Court of Special Judge (NIA), Thoubal being treated as bail petition weighed with the detaining authority cannot be accepted as it cannot be gain said that a bail plea of co-accused becomes bail plea of writ petitioner/detenu. The impugned detention order states in unambiguous terms that the writ petitioner has submitted a bail petition in the Court of Special Judge (NIA), Thoubal and that basis subjective satisfaction has been recorded. This is plainly incorrect.

[10] As regards subjective satisfaction qua a preventive detention order clamped on a detenu who is already incarcerated, the lead case is **N. Meera Rani** reported in (1989) 4 SCC 418. **N. Meera Rani** is also a case

where a preventive detention order was made under 'National Security Act, 1980 (65 of 1980)' which shall hereinafter be referred to as 'NSA' for the sake of brevity. The detenu's wife assailed the impugned preventive detention order in the High Court unsuccessfully and carried the matter to Hon'ble Supreme Court by way of a petition under Article 136 of the Constitution of India along with a separate writ petition under Article 32 of the Constitution of India. In this ***N. Meera Rani*** case, which was rendered by a 3 (three) Judges Bench of Hon'ble Supreme Court, declaration of law in ***Rameshwar Shaw*** reported in AIR 1964 SC 334 was restated and it was made clear that while there is no bar in clamping a preventive detention order on a detenue who is already incarcerated, in such cases, it is imperative that the detaining authority records subjective satisfaction that there is imminent possibility of the detenu being enlarged on bail. It was held that subsisting custody of the detenu by itself does not invalidate an order of preventive detention but, the decision must depend on detaining authority being satisfied on cogent materials that there is likelihood of detenu's release and in view of these antecedent activities which is proximate in point preventive detention order is necessary to prevent detenu from indulging in prejudicial activities. In the case on hand, while there is no bail application at all i.e. when the writ petitioner has not moved a bail petition at all, the detaining authority has proceeded on the basis that a bail petition submitted by the detenu is pending and on that factual basis, come to the conclusion i.e. recorded subjective satisfaction that there is imminent possibility of detenu being enlarged on bail. Law is well settled

that subjective satisfaction though subjective is justiciable but under limited circumstances. One such circumstance is ***N. Meera Rani*** principle which restates declaration of law made by ***Rameshwar Shaw*** about which there is allusion elsewhere supra in this order.

[11] The above means that the impugned detention order deserves to be dislodged on the point that the subjective satisfaction arrived at by the detaining authority *qua* imminent possibility of detenu being enlarged on bail is wholly bad as it is based on an incorrect fact.

[12] Before concluding, we deem it appropriate to record the obtaining factual position that with regard to both FIRs, the detenu has been granted default bail as final report has not been filed by the prosecution within the prescribed period of time and no application for extension of remand/extension of time for filing final report has also filed by the prosecution. With regard to the FIR No. 07(04) 2025 HRK-PS, U/S 20 UA(P) Act, 25(C-1) A. Act, 191(2), 191(3), and 221 of BNS, 2023 and Section 6(1-a) IWT Act, 1993 in the file of Heirok Police Station, Thoubal District and FIR No. 14(01) 2025 SJM-PS, U/S 109/35/(3)/118(2)/3(5) BNS & 25(1-B), At. Act added 20 UA(P) Act in the file of Singjamei Police Station, Imphal West, default bail and release orders are as follows:

*"IN THE COURT OF THE PECIAL JUDGE (NIA),
THOUBAL,*

*Cril. Misc. (B) Case No. 282 of 2025
Ref: FIR No. 7(04) 2025 HRK PS;
U/S: 20 UA(P) Act & 25(1-C) Arms Act, 191(2.3), 221 BNS & 6(1-A) IWT Act*

*The State of Manipur
-Versus-
Md. Sirajuddin Khan Khamba, aged about 45 years, S/o. (L) Md.
Ito of Phoudei Moirangpali, P.O & P.S Yairipok, Thoubal District,
Manipur.*

Accused/Petitioner.

*PRESENT
Nepram Sonykumar, MJS
Special Judge (NIA), Thoubal*

*For the State : L. Djendra, Spl. P.P.
For the accused : Md. Ajmal Hussain, Advocate and Md.
Raosun Ali, Advocate*

*ORDER (Extract copy)
The 19th September, 2025*

*This is to dispose of an application for granting bail, U/S:
187(3) of BNSS 2023 filed by the above-named accused person.*

*2. Heard the Ld. Counsel for the accused/petitioner and Ld.
Spl. PP for the State.*

*3. Ld. Counsel for the accused, at the time of his submissions,
pointed out before the Court that charged sheet has not been
submitted for the present FIR case. However, the accused has been
languishing in Jail for a period of 152 days as of today. Hence,
pleaded to release the accused on bail on expiry of statutory bail.*

*4. Ld. Spl. P.P, on the other hand, submitted that the IO is
preparing for submitting the charge-sheet and hence, prayed for
rejecting the bail application.*

*5. On perusal of the records, the accused is seen to have been
arrested on 20.04.2025 and has been in custody since then. As
such, the accused has been in custody for a period of 152 days,
hence, the accused is entitled to default bail U/S: 187(3) BNSS.*

*Accordingly, the accused person be released on bail on his
furnishing PR bond of Rs. 50,000/- (Rupees fifty thousand only)
with one surety of like amount and on the following conditions that
the accused shall :*

- (i) co-operate with the investigation of the case as and
when called upon;*
- (ii) not directly or indirectly make any inducement, threat*

- or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or temper with the investigation &*
- (iii) *not leave the State of Manipur without prior permission of the Court.*
- (iv) *appear before the I.O. of the case on 2nd Saturday of every month for three months.*

With this, this Cril. Misc. (B) case is disposed of.

Announced.

*Sd/-
Special Judge (NIA),
Thoubal*

19.09.2025

Vide order dated 19.09.2025 passed in Cril. Misc. (B) Case No. 282 of 2025, the accused Md. Sirajuddin Khan Khamba furnishes the requisite bonds which are checked and found satisfactory. Surety Md. Ibungo Shaha is present examined and found to be satisfactory. Hence, accepted.

Issue release order.

Accused is directed to appear before the I.O of the case on 2nd Saturday of every month for three months.

*Sd/-
Special Judge (NIA),
Thoubal"*

*"IN THE COURT OF THE SPECIAL JUDGE (NIA),
IMPHAL WEST, MANIPUR.*

*Cril. Misc. (B) Case No. 484 of 2025
Ref: FIR No. 14(01)2025 Singjamei PS*

*Us 109/351(3)/118(2)/3(5) BNS, 25(1-8) Arms Act & 20 UA(P)
Act*

*Md Sirajuddin Khan, aged about 45 years, S/o Md Ito Khan of
Phouden Moirangpalli, PS Yairipok, Thoubal district, Manipur*

Petitioner/Accused

*-Versus-
The State of Manipur*

ORDER
18-09-2025

This is an application filed under Section 187(3) BNSS, 2023 on behalf of the above named accused person praying for allowing to enlarge him on bail in the above referred FIR case.

Register is as Cril. Misc. (B) Case.

Heard Md Ajmal Hussain, Id. Counsel of the accused/petitioner.

It is seen that the accused person namely Md Sirajuddin Khan was arrested in c/w the FIR and produced before the Ld. Duty Magistrate, Imphal West on 03/05/2025.

From the available records, the statutory period of 90 days has lapsed. Charge sheet is also not yet submitted.

Hence, the accused is entitled to statutory bail.

Accordingly, the accused namely Md Sirajuddin Khan is released on bail on his furnishing P.R Bond of Rs 1,00,000/- (Rupees One Lakh only) with one surety of the like amount on the conditions that

- (a) the accused shall co-operate with the investigation,*
- (b) the accused shall make available before the investigating authority.*
- (c) the accused shall not influence prosecution witnesses;*
- (d) the accused shall not leave the state of Manipur without prior permission from this Court.*

Prayer of the accused is allowed and case is, accordingly, disposed.

Pronounced.

(Yumkham Rother)
Special Judge (NIA).
Imphal West

*IN THE COURT OF SPECIAL JUDGE (NIA),
IMPHAL WEST, MANIPUR
FIR No. 14(01)2025 Singjamei PS*

*State of Manipur
-Vs-
Md Sirajuddin Khan*

*ORDER
19-09-2025*

Vide order dated 18-09-2025 passed in Cril Misc (B) Case No. 484 of 2025, the accused person namely Md Sirajuddin Khan has furnished personal bond and a surety bond of Rs. 1,00,000/- (Rupees One lakh only) each.

Surety is identified by N Nilofer Shah, advocate.

Checked, found correct and accepted.

Hence the accused person is released on bail. Issue release order.

The accused person is directed to appear before this court on 03-10-2025.

*Sd/-
(Yumkham Rother)
Special Judge (NIA),
Imphal West."*

[13] The above position also makes it clear that the detenu remains incarcerated only because of the impugned preventive detention order though he has been granted default bail (owing to final report not being filed within time and owing to prosecution not filing any application for extension of remand or extension of time for filing final report though there provisions of law are available for the same).

[14] The fact that the detenu has been granted default bail qua both the FIRs has been set out only for completion of facts and we make it clear that this is not the ground on which we are dislodging the impugned

preventive detention order. As already alluded to supra, we are dislodging the impugned preventive detention on the ground that subjective satisfaction arrived at by the detaining authority is flawed, the same being based on wholly incorrect fact.

[15] Ergo, sequitur is, captioned writ petition is allowed, impugned preventive detention order dated 19.05.2025 bearing No. Cril. NSA Case No. 7 of 2025 made by the fifth respondent is set aside and the detenu (Md. Sirajuddin Khan @ Khamba, 45 years, son of Md. Ito Khan, Phouden Moirangpalli, P.O. & P.S. Yairipok, Thoubal District, Manipur) is directed to be set at liberty forthwith, if not required in connection with other case or cases. There shall be no order as to costs.

JUDGE

CHIEF JUSTICE

Bipin

P.S. I: Upload forthwith.

P.S. II: All concerned will stand bound by web copy uploaded in High Court website.