

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

W.P.(CRIL) No. 14 of 2025

Kangabam Rohit Singh

... 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]

24.09.2025

[1] Md. Ajmal Hussain, learned counsel for writ petitioner, Mr. Athouba Khaidem, learned Public Prosecutor for the respondent Nos. 1, 2 & 4 and Mr. W. Darakeshwor, learned senior PCCG for the respondent No. 3 are before this Court.

[2] Captioned writ petition has been filed praying for issue of writ of habeas corpus and it assails a preventive detention order dated 26.05.2025 bearing No. CrI/NSA/No. 5 of 2025 made by R-5 (District Magistrate, Imphal West). To be noted, R-5 shall be referred to as 'detaining authority' for the sake convenience and clarity.

[3] An FIR was lodged against the detenu (Shri Kangabam Rohti Singh @ Chalamba @ Kala, 30 years, S/o K. Rameshwor Singh, Nambol Phojing Makha Leikai, Ward No. 6, Bishnupur District). It is not disputed that nothing happened after registration of this FIR. The FIR, which is now being pursued is FIR No. 20(4) 2025 PATSOI – PS U/S 17/20 UA (P) Act in Imphal West District [‘said FIR’ for the sake of convenience and clarity]. In said FIR, the detenu has been granted default bail on 18.09.2025 and release order has also been made on 19.09.2025 by the Trial Court [to be noted, by the Special Judge (NIA), Imphal West, Manipur] as State has admittedly neither filed final report within 90 days nor resorted to 43(D)2 proviso of the ‘Unlawful Activities (Prevention) Act, 1967 (37 of 1967)’ [hereinfter ‘UAPA’ for the sake of brevity] for extension of time for filing final report and extension of period of remand. This resulted in default bail and release order by Trial Court. To be noted, it is also not in dispute that there is no appeal by State assailing default bail/release order.

[4] In response to above, learned prosecutor submitted that impugned detention order will ensure continued incarceration of detenu and therefore, the same should be sustained.

[5] When ordinary law of the land has been resorted to, when the court concerned has granted default bail and passed release order owing to State neither filing final report in time nor seeking extension,

preventive detention order cannot be sustained for the lone purpose of continuing incarceration of a detenu.

[6] ***Rekha Vs. State of Tamil Nadu Tr. Sec. to Government & Anr.*** reported in ***(2011) 5 SCC 244*** was relied on by petitioner counsel for the principle that the question which has to be before the detaining authority is whether ordinary law of the land is sufficient to deal with the situation and if the answer is in the affirmative, preventive detention will be illegal. It does not come to the aid of writ petitioner as this part of Rekha Principle has been held to be not correct exposition of law vide ***Ameena Begum*** reported in ***(2023) 9 SCC 587*** owing to Constitution Bench declaration of law in ***Haradhan Saha [(1975) 3 SCC 198]***.

[7] In the case on hand, ordinary law has been utilized by the State i.e., but final report has not been filed within the prescribed time line and State has not resorted to Section 43(D) 2 proviso of UAPA and sought extension of time / extension of remand. Therefore, the plea to sustain the impugned preventive detention order, solely the purpose of continuing incarceration of detenu was not find favour with this Court.

[8] We respectfully refer to ***Ram Manohar Lohia Vs. State of Bihar & Ors. [(1966) SC Para 65]***; law and order, public order and national security have been explained by the Hon'ble Supreme Court by resorting to concentric circles illustration. In the instant case, to contend that impugned preventive detention order needs to be sustained solely

for continuing incarceration of detenu post default bail/release order is clearly impermissible without resorting to prejudicial to public order argument, as this tantamounts to issuing impugned preventive detention for a purpose not authorized by the statute.

[9] To be noted, there is no disputation or contestation before this Court that the detenu remains in custody only because of the impugned detention order and absent the impugned detention order, he will be enlarged.

[10] This Court deems it appropriate to respectfully refer to ***Dhanya [(2025) SCC OnLine 1315]*** decided by Hon'ble Supreme Court on 06.06.2025. In ***Dhanya***, when State as part of its endeavor to sustain a preventive detention order, sought to repel the argument on behalf of detenu that in all cases against detenu (4 cases) he is on bail and he is complying with bail conditions, Hon'ble Supreme Court after reiterating that preventive detention is an exception to Article 21, made it clear that State can approach competent Court for cancellation of bail but that does not warrant preventive detention.

[11] Though obvious, this Court for the sake of specificity makes it clear that in the instant case also it is open to State to approach a competent Court and assail default bail/release order.

[12] The petitioner has raised other points on merits of the matter therefore, it is made clear that instant order has been made only for the limited purpose of habeas corpus legal drill and therefore, Trial Court will proceed with the matter on its own merits and in accordance with law, untrammelled by instant order.

[13] Ergo, sequitur is, impugned detention order dated 26.05.2025 made by R-5 (District Magistrate, Imphal West District, Manipur) bearing No. CrI/NSA/No. 5 of 2025 under Section 3(2) of NSA, is set aside and the detenu (Shri Kangabam Rohit Singh @ Chalamba @ Kala, 30 years, S/o K. Rameshwor Singh, Nambol Phoijing Makha Leikai, Ward No. 6, Bishnupur District), is set at liberty forthwith, if not required in connection with other case or cases.

[14] There is no order as to costs.

JUDGE

CHIEF JUSTICE

Bipin

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