

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

W.P.(CRL.) No. 17 of 2025

Raj Pangeijam @ Naoboi, aged about 39 years, S/o Shri P. Ramananda Singh, resident of Sagolband Salam Leikai, P.O. & P.S. Imphal, District Imphal West, Manipur – 795001.

... Petitioner

- Versus -

1. Union of India through the Secretary, Ministry of Home Affairs, Government of India, (Department of Internal Security), Room No. 113, North Block, New Delhi – 110001.
2. The State of Manipur through the Chief Secretary, Government of Manipur, Secretariat South Block, P.O. & P.S. Imphal, District Imphal West, Manipur – 795001.
3. The Commissioner (Home), Government of Manipur, Secretariat South Block, P.O. & P.S. Imphal, District Imphal West, Manipur – 795 001.
4. The District Magistrate, Imphal West District, Government of Manipur, Lamphelpat, P.O. & P.S. Lamphel, Imphal West District, Manipur – 795001.

... Respondents

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

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

16.10.2025

[1] Captioned writ petition has been filed with a prayer seeking issue of a writ of habeas corpus.

[2] Mr. Kh. Tarunkumar, learned senior counsel instructed by Raj Pangeijam @ Naoboi for petitioner; Ms. Pamchui Shimray, learned counsel for respondent No. 1 and Mr. Th. Vashum, learned Public Prosecutor for respondent Nos. 2, 3 & 4 are before this Court.

[3] This Court, with the consent of all the learned counsel, took up the main writ petition and heard out the same. Factual matrix of the case in a nutshell is that 4th respondent (District Magistrate, Imphal West, Government of Manipur, Lamphelpat) made a preventive order dated 07.07.2025 under the 'National Security Act, 1980 (65 of 1980)' ('NSA' for the sake brevity); that this preventive detention order made by 4th respondent shall be referred to as 'impugned preventive detention order' and the 4th respondent shall be referred to as 'detaining authority' for the sake of convenience; that writ petitioner/detenu was arrested on 09.06.2025 pursuant to FIR No. 211(6)2025 dated 09.06.2025 on the file of Lamphel Police Station, Imphal West District; that while the detenu remained incarcerated (post arrest) the impugned preventive order was made by detaining authority; that the detenu was initially remanded to

police custody on 10.06.2025 and thereafter, remanded to judicial custody on 17.06.2025; that thereafter, first bail petition of the detenu was rejected by Ld. Trial Court Judge on 17.05.2025 and second bail petition was not pressed by the detenu on 12.08.2025; that no bail petition is pending; that the impugned preventive detention order of the detaining authority is being assailed primarily on the ground that the detaining authority has not recorded subjective satisfaction *qua* imminent possibility of detenu being enlarged on bail either in the impugned preventive detention order or in the ground supporting the same.

[4] Elaborating on the afore-mentioned lone point on which the learned senior counsel for the petitioner predicated his campaign against the impugned preventive detention order, reliance was placed on ***N. Meera Rani Vs. Government of Tamil Nadu & Anr.*** reported in ***(1989) 4 SCC 418***. Adverting to the ***Meera Rani*** principle, it was contended that when a preventive detention order is clamped on a detenu while he remains incarcerated it is imperative that the detaining authority records subjective satisfaction of imminent possibility of detenu being enlarged on bail and detaining authority not doing so is fatal to preventive detention order.

[5] Responding to afore-mentioned argument, Mr. Th. Vashu, learned Public Prosecutor for State initially submitted that ***Meera Rani*** is distinguishable on facts. To noted, a Division Bench of this Court to which one of us (Justice A. Bimol Singh) was a party, in ***Shri Lisham Premamanda Singh @ Tony @ Brajamohan Vs. District Magistrate & 3 Ors.*** vide order dated 06.08.2025 in W.P.(CrI.) No. 7 of 2025 has

followed **Meera Rani**, dislodged a preventive detention order and this order was also placed before us.

[6] It is further to be noted that learned State counsel initially contended that **Lisham Premananda** is also distinguishable on facts and this has been captured by this Court in the proceedings made in the previous listing on 06.10.2025. However, today, learned State counsel changed the burden of song in the legal drill fairly submitted that **Meera Rani** and **Lisham Premamanda Singh** are not distinguishable on facts and learned State counsel reverted to his earlier submission made on 03.10.2025 (submission that imminent possibility of being enlarged on bail thought not mentioned in the impugned preventive detention order has been set out in the grounds of detention) and placed reliance on **Baby Devassy Chully Vs. Union of India** reported in **2013 (4) SCC 531**. To be noted, it has been urged by learned State counsel that though there is no mention about subjective satisfaction qua imminent possibility of detentue being enlarged on bail in the impugned preventive detention order, there is mention about the same in the ground of detention. In support of this contention, the learned State counsel drew out attention to Point No. 4 in the ground of detention dated 09.07.2025 and the same reads as follows:

'4. Necessity for Preventive Detention

Ordinary criminal proceedings (bailable offences) are inadequate to restrain your activities, as:

- There is imminent risk of you repeating such acts if released.

- Your actions directly endanger public tranquility and impede state security efforts.'

In the aforesaid Point No. 4, learned State counsel placed reliance on second bullet point which says – 'There is imminent risk of you repeating such acts if released.' In this regard, learned State counsel placed reliance on ***Baby Devassy*** case for the proposition that if a particular point even if not mentioned in the preventive detention order will be good enough, if mentioned in the ground of detention order. This Court is of the considered view that there can be no quarrel on this proposition but, the point here is, afore-referred second bullet point in main Point No. 4 in the grounds of detention dated 09.07.2025 does not talk about imminent possibility of detenu being released on bail, it only talks about imminent risk of the detenu repeating the acts if released.

[7] Therefore, this Court has no hesitation in writing that the contention of the learned State counsel that there is mention about subjective satisfaction of imminent possibility of detenu being released on bail in the ground of detentions is incorrect and unacceptable as there is only a mention about imminent possibility of repeating alleged acts if released. To be noted, in this regard, we deem it is appropriate to write that the impugned preventive detention order is predicated on a sole FIR, the details of which have been captured supra. We also hasten to write that law is clear that a preventive detention order can be clamped even on the basis of a single case or single FIR but in the case on hand, that it is single

FIR buttresses and amplifies the point that subjective satisfaction qua imminent possibility of detenu being enlarged on bail has not been recorded either in the impugned preventive detention order or in the grounds of detention. As already alluded to supra, the first bail petition of the detenu was rejected on 17.06.2025 and the second bail petition was not pressed on 12.08.2025. As of today, no bail petition is pending. We are conscious that the second bail petition was filed on 23.06.2025 and therefore, the same was pending on the date of impugned preventive detention order dated 07.07.2025 (to be noted, it was not pressed only on 12.08.2025). To be further noted, it was fixed for hearing on 08.08.2025. Notwithstanding this, there is no recording of subjective satisfaction that there is imminent possibility of detenu being enlarged on bail.

Reverting to ***Meera Rani***, the same was rendered by a 3 (three) Judges Bench of Hon'ble Supreme Court, restating declaration of law made in ***Rameshwar Shaw Vs. District Magistrate, Burdwan*** reported in ***AIR 1964 SC 334***. We are referring to ***Rameshwar Shaw*** as 'declaration of law' rather than ratio; as ***Rameshwar Shaw*** was rendered by a Constitution Bench. In ***Rameshwar Shaw***, the Constitution Bench has made it clear that while there is no bar in clamping a preventive detention order on a detenu 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 and not recording such subjective satisfaction is fatal to preventive detention order. There can be no quarrel that such recording though subjective is justifiable

to the extent of examining if such satisfaction is based on cogent material. In any event this scenario does not arise in the case on hand as there is no recording of subjective satisfaction qua imminent possibility of being enlarged on bail. In ***Rameshwar Shaw***, it was also made it clear 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 material that there is likelihood of detenu being enlarged on bail. As already alluded to supra, another order of Division Bench of this Court dated 06.08.2025 in ***Lisham Premananda*** in W.P.(Crl) No. 7 of 2025 followed ***Meera Rani***.

[8] Another Division Bench to which one of us (Chief Justice M. Sundar) was a party, in ***Md. Sirajuddin Khan Vs. State of Manipur & 3 Ors.*** being order dated 09.10.2025 in W.P.(Crl) No. 12 of 2025 followed ***Meera Rani*** and ***Rameshwar Shaw*** and set aside the preventive detention order.

[9] This Court is informed that both in ***Lisham Premananda*** and ***Md. Sirajuddin Khan***, State has complied with the order of this Court and released the detenus. In ***Sirajuddin Khan***, the factum that the detenu was released has been captured by this Court in another subsequent case viz., ***Konjengbam Akash @ Pari Vs. District Magistrate, Thoubal District & 2 Ors.*** vide order dated 14.10.2025 in W.P.(Crl) No. 22 of 2025.

[10] Before we conclude, we deem it appropriate to write that Paragraph Nos. 10 & 11 of ***Md. Sirajuddin Khan*** case are relevant qua discussion dispositive reasoning set out supra and the same read as follows:

[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 detenu 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.'

[11] Ergo, sequitur is, captioned writ petition is allowed. The impugned preventive detention order dated 07.07.2025, approval order dated 13.07.2025 and confirmation order dated 06.02.2025 are set aside. The detenu, **Shri Raj Pangeijam @ Naoboi, aged about 39 years, S/o Shri P. Ramananda Singh, resident of Sagolband Salam Leikai, P.O. & P.S. Imphal, District Imphal West, 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

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