

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

WP(Crl.) No. 22 of 2025

Konjengbam Akash Singh @ Pari

Petitioner

Vs.

District Magistrate, Thoubal District and 2 others

Respondents

BEFORE

**HON'BLE THE CHIEF JUSTICE MR. M. SUNDAR
HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH**

ORDER

(Order of the Court was made by M. Sundar, CJ)

14.10.2025

[1] This order will now dispose of the captioned writ petition which has been filed with the habeas corpus plea.

[2] Proceedings made by this court in earlier listings dated 18.09.2025 and 08.10.2025 read as follows :

"18.09.2025

Mr. S. Rajeetchandra, learned counsel for the petitioner and Mr. Athouba Khaidem, learned Government Advocate for the respondents are before us in the physical Court.

The detaining authority has exercised power to detain the detenu for 12 (twelve) months at one go, which according to the writ petitioner, is impermissible.

Learned counsel sought time to examine the case laws on the above proposition. List a week hence.

List on 25.09.2025."

“08.10.2025

Mr. S. Ranjeetchandra, learned counsel for petitioner and Mr. Kh. Athouba, learned GA for State(respondents) are before this Court.

After some arguments, learned counsel for petitioner sought time to produce case laws on the following two points.

(i) Non-application of mind.

(ii) The ground of detention is in the realm of surmise and conjecture because it uses the expression ‘probably’.

Request acceded to.

List on 13.10.2025.”

[3] Adverting to the afore-referred two proceedings, Mr. S. Rajeetchandra, learned counsel for the writ petitioner, in the hearing today, submitted that the points canvassed by him and captured in the afore-referred proceedings will now be articulated in terms of two points and they are as follows :

- 1) The impugned preventive detention order has been made by the detaining authority i.e. 1st respondent (District Magistrate, Thoubal District, Government of Manipur, Thoubal, Manipur) for a period of 12 (twelve) months in one go and that is impermissible;
- 2) The detenu was arrested on 19.05.2025 and the impugned preventive detention order was made by 1st respondent on 24.06.2025 while the detenu was

incarcerated but in the impugned preventive detention order there is no recording of subjective satisfaction of imminent possibility of the detenu being enlarged on bail.

[4] As regards the respondents, Mr. Athouba Khaidem, learned senior counsel and Government Advocate instructed by Mr. Phungyo Zingkhei, learned Deputy Government Advocate for all the 3 (three) respondents is before us.

[5] Responding to the first point on which the counsel for writ petitioner predicated his campaign against the impugned preventive detention order, Mr. Athouba Khaidem, advertng to the impugned preventive detention order submitted that it very clearly mentions that the detention is for a period of 12 (twelve) months from the date of the issue of the order or until further orders. Stressing on the expression 'or until further orders', learned State counsel submitted that further orders i.e., approval and confirmation orders were made well within the statutorily prescribed timelines and therefore, it cannot be gainsaid that the impugned preventive detention order is bad or vitiated.

[6] To be noted, as regards the first point, learned counsel for the writ petitioner placed reliance on **Makhan Singh Tarsikka** case and learned counsel placed before us the case as reported in **(1951) Legal Eagle (SC) 69**. We find that the SCC equivalent is **(1951) SCC 1140**. Advertng to **Makhan Singh** it was argued that the detaining authority making a detention order for 12 (twelve) months at one go which is the

maximum period is bad and it vitiates the impugned preventive detention order.

[7] We have no difficulty in accepting the submission of learned senior counsel for State that **Makhan Singh** is distinguishable on facts.

[8] Learned State counsel pointed out that in **Makhan Singh Tarsikka** the detenu while in detention pursuant to a preventive detention order was clamped with another preventive detention order for a period from 30.07.1951 to 31.03.1952 which is the date on which the concerned Act [the Preventive Detention Act, 1950] elapses and the amended Act kicks in. In the instant case, the impugned preventive detention order does not fix any period though it refers to 12 (twelve) months as it makes it clear that it is 12 (twelve) months or until further orders.

[9] We carefully examined this aspect of the matter and the rival submissions on the first point.

[10] We find that post impugned preventive detention order, the State Government has approved the detention under 3 (4) of the 'National Security Act, 1980 (Act No. 65 of 1980)' ('NSA' for the sake of brevity and convenience) on 02.07.2025 which is well within the prescribed 12 (twelve) days time. It was contended by learned counsel for the petitioner that this approval means that it is approved for 12 (twelve) months which is impermissible. In our considered view, this is plainly incorrect. The reason is, as rightly pointed out by learned State counsel, the approval is only is approval of the expression '12 (twelve) months or until further orders'.

Another reason is the 3 (three) months cap *qua* State Government is only for delegation under subsection 3 and not for entire section 3. To be noted, in subsection 3 proviso the expression 'subsection' is used in contradistinction to subsection 4 where the expression 'section' is used. Therefore, the 3 (three) months is only with regard to delegation conferring preventive detention powers on District Magistrate or Commissioner of police. It is nobody's case that 1st respondent has been delegated with powers to make preventive detention order for a period exceeding 3 (three) months. We find no infirmity whatsoever in the approval.

[11] Be that as it may, confirmation has also be made (post placing before Advisory Board) on 23.07.2025 and this confirmation is vide Section 12(1) of NSA.

[12] Therefore, as further orders in the form of approval dated 02.07.2025 within 12 (twelve) days as per Section 3 (4) and confirmation on 23.07.2025 post placing it before Advisory Board has been made. The 'further or until further orders' expression in the impugned preventive detention order operates. To be noted, as regards 12 (twelve) months confirmation, the State Government can fix the period and there is cap and the maximum period is 12 (twelve) months vide Section 13 of NSA.

[13] If approval by State Government (further/other orders) had not been made with twelve days the impugned preventive detention order would have become liable for dislodgment in a/his habeas corpus legal drill.

[14] In the light of the narrative discussion and dispositive reasoning thus far, we find that the first point does not make the cut with this Court. In other words, the first point pales into insignificance and we reject the same.

[15] This takes this Court to the second point.

[16] As regards the second point, paragraphs 2 of the impugned preventive detention order is significant and the same reads as follows :

'2. Whereas, it has been reported that Shri Konjengbam Akash Singh @ Pari (29yrs) S/o. K. Jugindro Singh of Moirang Terakhongsangbi, PO/PS: Moirang, Bishnupur District, Manipur, who was arrested in c/w FIR No. 22(05)2025KJM-PS u/s 17/20 UA(P)A. Act, 25(1-C) Arms Act & 6(1-A) IWT Act 1993 dated 19th May, 2025, is now in judicial custody. However, the Hon'ble Special Judge (NIA), Thoubal has fixed the default bail hearing on 25th June, 2025.'

The above is completely contrary to the obtaining factual position in the case on hand. It is contrary to the trajectory the matter has taken in the trial court. As already alluded to supra, the detenu was arrested on 19.05.2025 and the impugned preventive detention order was made by R1 while the detenu remained incarcerated and the impugned preventive detention order was made on 24.06.2025. Prior to the making of the impugned preventive detention order, objection to the remand made by the detenu was treated as a bail plea and the same was rejected by the trial court in and by an order dated 26.05.2025, which has been placed before us as Annexure-P/11. Thereafter, the undisputed factual position is, the detenu has not moved any bail plea. Therefore, on the date of making of

the impugned preventive detention order, no bail petition was pending much less was a default bail petition pending. Another aspect of the matter is a detenu arrested on 19.05.2025 obviously cannot seek default bail on 26.06.2025 in the light of the provisions of 'the Unlawful Activities (Prevention) Act, 1967 (37 of 1967)' ('UAPA' for the sake of brevity and convenience) as 90 (ninety) days time available for filing final report and there is provision for extension by another 90 days.

[17] Be that as it may, obtaining legal position enures to the benefit of the petitioner in the case on hand. The obtaining legal position is, a preventive detention order can be clamped on a detenu who is already incarcerated but the requirement in such cases is, the detaining authority should record subjective satisfaction of imminent possibility of the detenu being enlarged on bail. Though this is 'subjective satisfaction', the same is justiciable to the extent of applying judicial review drill to examine if imminent possibility of the detune being enlarged on bail subjective satisfaction is supported by a correct material. This principle was clearly laid down by Hon'ble Supreme Court in **N. Meera Rani vs. Government of Tamil Nadu** reported in **(1989) 4 SCC 418**. To be noted, **Meera Rani** is also a case where on facts of preventive detention order was made under NSA. In **Meera Rani** case 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 along with the separate writ petition under Article 32 of the Constitution. A three Judge Bench of the Hon'ble Supreme Court referred to

and reiterated the declaration of law made in **Rameshwar Shaw vs. District Magistrate, Burdwan & Anr.** To be noted, **Rameshwar Shaw** is reported in **AIR 1964 SC 334**.

[18] In the case on hand, the impugned preventive detention order deserves to be dislodged on the point of no recording of subjective satisfaction *qua* imminent possibility of detenu being enlarged on bail. The dispositive reasoning is twofold and the same is as follows :

- 1) As already alluded to supra, the impugned preventive detention order does not record subjective satisfaction of imminent possibility of detenu being enlarged on bail;
- 2) The impugned preventive detention order records that a default bail petition was pending on the date of the impugned preventive detention order i.e., on 24.06.2025. This is plainly incorrect factual position. No bail petition was pending and the details have been articulated elsewhere supra in this order.

[19] We respectfully follow the declaration of law made by Supreme Court in **Rameshwar Shw** which was referred to in **Meera Rani**. We respectfully apply **Meera Rani** principle laid down by Supreme Court and dislodge the impugned preventive detention order made by 1st respondent on the ground that it neither records imminent possibility of detenu being enlarged on bail nor is the recording regarding pendency of default bail factually correct.

[20] This Court very recently, in **WP(Crl.) No. 12 of 2025 (Md. Sirajuddin Khan vs. State of Manipur & 3 Ors.)** made an order dated 09.10.2025 applying **Meera Rani** principle which reiterates declaration of law made by Constitution Bench in **Rameshwar Shaw**. This Court is informed that the detenu has since been released pursuant to this 09.10.2025 order. Relevant paragraphs in **Sirajuddin** are paragraphs 10 and 11 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 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.'

[21] A scanned reproduction release order in **Sirajuddin** is as follows :

IN LIEU OF MSG FORM **MOST URGENT**

TO : COMMISSIONER (HOME), GOVT. OF MANIPUR (.)
 INFO : DGP(PRISONS)MANIPUR/ADDL. DIRECTOR GENERAL OF POLICE &
 ADDL. CHARGE (IGP), PRISONS, MANIPUR (.)
 FROM: SP.MCJ, SAJIWA (.)
 NO : 3/2/2025 -MCJS (.) DATED 13/10/2025

= IN COMPLAINEE OF JOINT SECRETARY (HOME), GOVT. OF MANIPUR LETTER MEMO NO. H-1401/1/2025 DATED 13/10/2025 READ WITH ADDL. DIRECTOR GENERAL OF POLICE & ADDL. CHARGE IGP(PRISONS), MANIPUR ENDST MEMO NO. 9/4/2025-IGP(P) DATED 13/10/2025 (.) THE NSA DETENU NAMELY MD. SIRAJUDDIN @ KHAMBA (45) S/O (L) MD. ITO OF PHOUDEL MOIRANGPALI THOUBAL, PS- YAIRIPOK DISTRICT-THOUBAL, MANIPUR HAS BEEN RELEASED TODAY (13/10/2025) AT 9.20 P.M AS NO CASES IS PENDING ANGAINST THE DETENU (.) FOR KIND INFO & NECY ACTION(.) MATTER MAY BE TREATED AS URGENT (.)

CRASH

(SYED ABDUL SAMAD), MPS
 SUPERINTENDENT OF PRISON
 MANIPUR CENTRAL JAIL, SAJIWA
 Superintendent
 Manipur Central Jail, Sajiwa

[22] Ergo, the sequitur is, captioned writ petition is allowed. Impugned preventive detention order dated 24.06.2025 bearing Reference No. Cril. NSA Case No. 10 of 2025 made by 1st respondent (District Magistrate, Thoubal District, Government of Manipur, Thoubal, Manipur) is set aside and the detenu (**Shri Konjengbam Akash Singh @ Pari, aged 29 years, S/o K. Jugindro Singh of Moirang Terakhongsangbi, P.O. & P.S. Moirang, Bishnupur District, Manipur**) is directed to be set at liberty forthwith, if not required in connection with any other case/cases. There shall be no order as to costs.

JUDGE

Sushil

CHIEF JUSTICE

PS: Upload forthwith and all concerned to remain bound by this order as uploaded in the official website of this court.