

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

W.P. (CrI.) No. 24 of 2025

Longjam Boy Singh @ Khaba

Petitioner

Vs.

District Magistrate, Imphal West, Manipur; & Ors.

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)

02.12.2025

[1] Captioned 'Writ Petition' ('WP' for the sake of brevity) has been presented in this Court seeking issue of writ of habeas corpus *qua* 'a preventive detention order dated 21.07.2025 bearing Reference No. CrI/NSA/No. 8 of 2025' ('impugned preventive detention order' for the sake of convenience) made by R-1 (District Magistrate, Imphal West) who shall hereinafter be referred to as 'detaining authority' (to be noted, 'R-1' is a short form reference to '1st respondent' and similar short form references will be made in this order *qua* other respondents also).

[2] Short facts, shorn off elaboration, *i.e.*, factual matrix in a nutshell containing facts that are imperative for appreciating instant order are that, there was an alleged occurrence (person missing/murder) on 11.06.2025; that, a dead body was found on 13.06.2025; that this led to registration of an FIR being 'FIR No. 38(6)2025 WGI-PS dated 14.06.2025 on the file of Wangoi Police Station in Imphal West District' ('said FIR' for the sake of convenience and clarity), to be noted, 'FIR' is an abbreviation which denotes 'First Information Report'; that the

said FIR is *qua* Sections 140(3)/127(3)/142(3(5))/109/61(2)BNS (Bharatiya Nyaya Sanhita, 2023); that based on the said FIR, writ petitioner before us (herein after 'detenu' for convenience) was arrested on 22.06.2025; that detenu moved a bail application on 30.06.2025 but the same was withdrawn as not pressed on 22.07.2025; that in the interregnum, *i.e.*, on 21.07.2025, the impugned preventive detention order came to be made by detaining authority; that the impugned preventive detention order was followed by grounds of detention dated 23.07.2025 bearing Reference No. CrI/NSA/No. 8 of 2025 made by detaining authority; that the approval of the impugned preventive detention order by the State was *vide* proceedings dated 31.07.2025; that confirmation was *vide* order dated 22.08.2025 bearing Reference No. H-1401/16/2025-HD-HD; that on 04.10.2025, the detenu filed a default bail application obviously on the ground that final report has not been filed by the investigation/prosecution within the prescribed time; that this default bail application was allowed by concerned Court in and by an order dated 08.10.2025 in CrI. Misc. (B) Case No. 34 of 2025; that it is to be noted that the Court concerned is the Court of Judicial Magistrate First Class, Imphal West at Lamphelpat; that the default bail order of concerned Court has attained finality as State has not chosen to assail the same; that in the interregnum, captioned WP was filed in this Court on 25.08.2025 with a prayer for issue of writ of habeas corpus (as alluded to *supra*), notice was issued and respondents have entered appearance; that the captioned WP was taken up for hearing on multiple listings after affidavits-in-opposition were filed by R-2 (State of Manipur, represented by Chief Secretary), R-3 (Superintendent of Manipur Central Jail, Sajiwa) and R-4(Union of India represented by Secretary, Home

Affairs); that R-1, *i.e.*, detaining authority has not chosen to file affidavit-in-opposition; that the captioned WP was heard out with the consent of all learned counsel on both sides today.

[3] In the hearing today, Mr. Ch. Ngongo, learned senior counsel instructed by Ms. S. Gangarani, learned counsel on record for writ petitioner (to be noted, detenu himself is writ petitioner before this Court), Mr. Sh. Yangya, learned senior counsel and prosecutor instructed by Mr. Phungyo Zingkhai, learned Dy. Government Advocate and Mr. W. Darakeshwar, learned Sr. Panel Counsel for Central Government (PCCG) are before this Court. As already alluded to *supra*, main WP was taken up and heard out with the consent of all these learned counsel.

[4] Notwithstanding myriad grounds in the captioned WP, learned senior counsel, Mr. Ch. Ngongo, predicated his campaign against impugned preventive detention order on two points and they are as follows:

- (i) the live and proximate link between the alleged occurrence/arrest and the detention order has snapped;
- (ii) the detaining authority in the impugned preventive detention order has not recorded the factual position that detenu was in custody and was lodged in Manipur Central Jail, Sajiwa, while making the impugned preventive detention order dated 21.07.2025 and the grounds of detention.

[5] We now proceed to deal with the aforesaid two points in the order in which the same has been set out *supra*. To be noted, as we take up the points

one after the other, we shall be setting out the point, discussion on the same and also set out our dispositive reasoning.

[6] As regards first point, as would be evident from the factual matrix in a nutshell set out *supra*, the alleged occurrence was on 11.06.2025, arrest of detenu was on 22.06.2025 and the impugned preventive detention order was made on 21.07.2025 by R-1. Learned counsel for writ petitioner pressed into service **Anand Prakash vs. State of U.P. and others** reported in **AIR 1990 SC 516**. **Anand Prakash** case, on facts, is also one which arose under 'National Security Act, 1980 (Act No. 65 of 1980)' [hereinafter 'NSA' for the sake of convenience and clarity]. **Anand Prakash** was a case of alleged theft of wires, the alleged occurrence was on 14.02.1989, FIR was registered on the next day, i.e. on 15.02.1989, there was a raid on 03.03.1989 and some 20 kilograms of melted wires was recovered, thereafter arrest was made on 02.05.1989 and the preventive detention order itself was made on 03.05.1989. In this context, Hon'ble Supreme Court, holding that this delay has not been satisfactorily explained concluded that preventive detention order in that case stood vitiated. In the case on hand, the live and proximate link snapping point was not raised in the original writ petition but it was subsequently raised in the hearing as also by way of MC[W.P. (Crl.)] No. 5 of 2025. As would be evident from our earlier proceedings dated 13.10.2025, learned State counsel requested for time to file a separate affidavit-in-opposition *qua* this additional ground but subsequently on 10.11.2025, learned State counsel submitted that he would make this point on the basis of averments in the affidavit-in-opposition of R-2 (State of Manipur, represented by Chief Secretary) without filing a separate affidavit-in-opposition

qua additional ground For convenience, we deem it appropriate to extract and reproduce our 13.10.2025 and 10.11.2025 proceedings, we do so and the same are as follows:

‘13.10.2025

Mr. Ch. Ngongo, learned senior counsel for petitioner and Mr. Y. Ashang, learned Public Prosecutor for State are before this Court.

Read in conjunction with and in continuation of previous listing.

As regards the additional grounds raised i.e., the proximate link between arrest and grounds having snapped, as this was not raised in the writ petition and as it was raised by way of additional grounds, State counsel requests for a short accommodation to file affidavit-in-opposition on this point alone.

Request acceded to.

List on 27.10.2025.’

‘10.11.2025

[1] Read this in conjunction with and in continuation of earlier proceedings made in the previous listing on 13.10.2025

[2] Mr. Ch. Ngongo, learned Senior Advocate instructed by Ms. Reena Chongtham, learned counsel on record for petitioner; Mr. Sh. Yangya, learned Sr. Advocate instructed by Mr. Phungyo Zingkhai, learned State counsel for respondent Nos. 1-3; and Mr. W. Darakeshwar, learned Sr. Panel Counsel for Central Government (Sr. PCCG) for respondent No. 4; are before this Court.

[3] Petitioner’s counsel is ready to advance arguments.

[4] Though on 13.10.2025, time was sought by State counsel for getting instructions, today, Mr. Sh. Yangya, learned Sr. Advocate instructed by Mr. Phungyo Zingkhai, learned State Counsel, submits that he will make submissions by referring to affidavit-in-opposition of respondent No. 2 (State of Manipur represented by Chief Secretary) however, affidavit-in-opposition of respondent No. 2 is not before the

Court. Learned counsel on record for petitioner confirms that a copy of affidavit-in-opposition of respondent No. 2 has been served on her.

[5] Registry to put up the affidavit-in-opposition of respondent No. 2 in the next listing. In the interregnum, State counsel for respondent Nos. 1-3 shall file in the Registry one more copy of the affidavit-in-opposition of respondent No. 2.

[6] List on 13.11.2025.

[7] Learned prosecutor today adverted to paragraph 2 of affidavit-in-opposition of R-2 which reads as follows:

'2. That, with reference to Grounds No. (i) of the Misc. Application, it is specifically denied the contentions of the petitioner's that the incident of the FIR lodged on 14-06-2025 and the order of the detention dated 21-07-2025 has no live proximate link for the simple reason that a written complaint was lodged on 11-06-2025 at 07:00 p.m. by 1(one) Chesam Nasir Khan, S/o (L) Mv. Abdul Ajid of Paobitek Mayai Leikai about the missing of Chesam Abdul Kadir (deceased) who is said to be the nephew of the complainant. The same was registered under G.D. No. 18/WGI-PS/2025 dated 11-06-2025 and police launched hunt and search at every possible places. During the course of inquiry, it came to light that one unknown youth was found at the courtyard of one Heikrujam Ibechaobi Devi, W/o (L) H. Sarat Singh of Yumnam Huidrom Makha Leikai at about 01:30 a.m. of 11-06-2025. It is also corrected from the source of information that the said unknown person suspected to be the missing person was confined wrongfully by the public and later on handed over to (1) Longjam Boy @ Khaba Singh (the present detainee), (2) Yumnam Pandeyraj Singh, S/o Y. Ranjit Singh of Yumnam Huidrom Mayai Leikai and some other persons who are members of Arambai Tengol Unit 27(B) QRT. Hence, the connected FIR was registered on the basis of the findings report submitted by the enquiry officer and the case was investigated into. During the course of investigation, some of the accomplice of the present detainee were arrested by the investigating authority. During the course of investigation, it was unearthed that the said unknown person

was severely tortured by the present detainee and his accomplice at the community hall of Community Hall of Yumnam Huidrom Makha Leikai and also in the camp of the aforesaid Arambai Tengol Office. As a result, the said unknown person succumbed to the injuries caused by the said torture. Thereafter, a vehicle i.e. Fortuner vehicle bearing MN-01X 4633 of the present detainee and another vehicle Bolero pick-up bearing No. MN-01AA 3784 were used for disposal of the dead body of the said unknown person. After the commission of the said incident, the present detainee went to Chandel area by his Fortuner vehicle and hide himself at Liwa Sarei which is the parental home of his wife and thereafter he sold out the said vehicle to an unknown person from Chakpikarong and also destroyed his mobile phone at Chandel in order to evade arrest by the security force. Later on, the dead body of the said unknown person was found buried and recovered on the bank of the Nambul River on the discloser of the accused person and the same was found to be the missing person namely, Chesam Abdul Kadir (deceased). Hence, there is very much proximately between the date of incident and the date of detention.'

[8] This Court carefully considered the afore-referred paragraph 2 and it is seen that paragraph 2 does not explain much less satisfactorily explain that live and proximate link between the alleged occurrence on 11.06.2025 and the impugned preventive detention order dated 21.07.2025 had not been snapped as it is more in the nature of a calendrical sequence of investigation and other events as they unfurled. In this regard, this Court finds that live and proximate link point has been dealt with by Hon'ble Supreme Court in a judgment rendered on 30.09.2022 in **Sushanta Kumar Bainik Vs. State of Tripura and others** reported in **2022 SCC OnLine SC 1333** (equivalent citations – **Supreme Court Neutral Citation 2022 INSC 1053** and **AIR 2022 SC 4715**). In **Bainik case**, it was a case of live and proximate link snapping *qua* proposal by the sponsoring authority which was on 28.06.2021 and the making of the impugned preventive

detention order on 12.11.2021 and **Bainik case** arose under the Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988 (Act No. 46 of 1988). However, in **Bainik case**, Hon'ble Supreme Court after making a survey of various case laws touching upon delay/live and proximate link snapping recognized the principle that live and proximate link snapping would vitiate a impugned preventive detention order. After making a survey of **SK. Nizamuddin v. State of West Bengal** reported in **(1975) 3 SCC 395**, **Suresh Mahato v. the District Magistrate, Burdwan** reported in **(1975) 3 SCC 544**, **Bhawarlal Ganeshmalji v. State of Tamil Nadu** reported in **(1979) 1 SCC 465** and **Shafiq Ahmed v. District Magistrate, Meerut** reported in **(1989) 4 SCC 556**, the Hon'ble Supreme Court held in paragraph 21 and 22 as follows:

'21. It is manifestly clear from a conspectus of the above decisions of this Court, that the underlying principle is that if there is unreasonable delay between the date of the order of detention & actual arrest of the detenu and in the same manner from the date of the proposal and passing of the order of detention, such delay unless satisfactorily explained throws a considerable doubt on the genuineness of the requisite subjective satisfaction of the detaining authority in passing the detention order and consequently render the detention order bad and invalid because the "live and proximate link" between the grounds of detention and the purpose of detention is snapped in arresting the detenu. A question whether the delay is unreasonable and stands unexplained depends on the facts and circumstances of each case.

22. In the present case, the circumstances indicate that the detaining authority after the receipt of the proposal from the sponsoring authority was indifferent in passing the order of detention with greater promptitude. The "live and proximate link" between the grounds of detention and the purpose of detention stood snapped in arresting the

detenu. More importantly the delay has not been explained in any manner & though this point of delay was specifically raised & argued before the High Court as evident from Para 14 of the impugned judgment yet the High Court has not recorded any finding on the same

[9] This Court finds that the ratios/principles laid down in **Anand Prakash** and **Bainik** are instructive and we respectfully follow the same. If **Anand Prakash** and **Bainik** are applied to facts of instant case, in the light of paragraph 2 of the affidavit-in-opposition of R-2, we find that the delay between the alleged occurrence on 11.06.2025 or for that matter, the delay between the date of arrest on 22.06.2025 and making of the impugned preventive detention order on 21.07.2025 has not been explained, much less satisfactory explained. In this view of the matter, this Court has no hesitation in coming to the conclusion that the impugned preventive detention order is vitiated and becomes liable to be dislodged in the habeas corpus legal drill at hand.

[10] In a habeas corpus legal drill, if writ petitioner succeeds on one point, that will suffice but nonetheless, we deem it appropriate to examine the second point also. As would be evident from the narrative thus far, second point turns on subjective satisfaction of the detaining authority. The detaining authority in the impugned preventive detention order as well as the grounds of detention has not recorded the then obtaining factual position that the detenu had already been arrested on 22.06.2025, lodged in Manipur Central Jail, Sajiwa and was in detention on 21.07.2025 when the impugned preventive detention order was made. The detaining authority has also not recorded subjective satisfaction that there is imminent possibility of the detenu being enlarged on bail. In this regard,

learned senior counsel, Mr.Ch. Ngongo appearing on behalf of Ms. S. Gangarani, learned counsel for writ petitioner, relied on **Union of India vs. Paul Manickam and another** reported in **(2003) 8 SCC 342**. Learned senior counsel while pressing into service **Paul Manickam** which arose under erstwhile **COFEPOSA** adverted to paragraph 14 thereof and submitted that it is necessary for the detaining authority to record that there is imminent possibility of detenu being enlarged on bail in cases preventive detention orders are made *qua* detenu who is already in custody. In response to this argument, Mr. Sh. Yangya, learned senior counsel and prosecutor instructed by Mr. Phungyo Zingkhai, learned Dy. Government Advocate appearing for R-1 to R-3 placed reliance on/pressed into service **Union of India and another Vs. Dimple Happy Dhakad** reported in **(2019) 20 SCC 609**. To be noted, **Dimple Happy Dhakad** arose under **COFEPOSA**. After referring to **Paul Manickam**, besides **Senthamilselve v State of Tamil Nadu** reported in **(2006) 5 SCC 676** as well as **Kamarunnissa vs. Union of India and another** reported in **(1991) 1 SCC 128** Hon'ble Supreme Court *vide* paragraphs 38 and 39 of **Dimple Happy Dhakad** held that detenu's likelihood of being released on bail is based on the material before the detaining authority and this subjective satisfaction is normally not interfered with. However, the ratio laid down in **Khudiram Das Vs. State of West Bengal** reported in **(1975) 2 SCC 81** (to be noted, **Dimple Happy Dhakad** does not refer to **Khudiram Das**) that subjective satisfaction though subjective is justiciable and can be subjected to judicial scrutiny though to a limited extent remained undisturbed. Be that as it may, this **Khudiram Das** principle was affirmatively adverted to by Honb'ble Supreme Court in **Ameena Begum vs.**

State of Telangana and others reported in **(2023) 9 SCC 587** which was rendered after **Dimple Happy Dhakad**. (To be noted, while **Dimple Happy Dhakad** was rendered on 18.07.2019, **Ameena Begum** was rendered on 04.09.2023). **Ameena Begum** is a case which arose owing to a detention under Telangana Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug-Offenders, Goondas, Immoral Traffic Offenders Land-Grabbers, Spurious Seed Offenders, Insecticide Offenders, Fertiliser Offenders, Food Adulteration Offenders, Fake Document Offenders, Scheduled Commodities Offenders, Forest Offenders, Gaming Offenders, Sexual Offenders, Explosive Substances Offenders, Arms Offenders, Cyber Crime Offenders and White Collar or Financial Offenders Act, 1986 (1 of 1986) {'said A.P. Act' for the sake of convenience}. In **Ameena Begum, Khudiram Das** principle is affirmatively adverted to in paragraph 16 and the same reads as follows:

'16. In his counter-affidavit (at pp. 10 and 11) to the special leave petition, the Commissioner referred to, and extracted a passage from para 8 of the decision of this Court in *Khudiram Das v. State of W.B.*, wherein a Bench of 4 (four) Hon'ble Judges of this Court was examining a challenge to an order of detention passed under Section 3 of the Maintenance of Internal Security Act, 1971 ("MISA" hereafter) by a District Magistrate. We consider it appropriate to notice not only para 8 of the decision rendered by Hon'ble P.N. Bhagwati, J. (as his Lordship then was) in its entirety but also para 9, reading as follows: (SCC pp. 90-92, paras 8-9)

"8. Now it is clear on a plain reading of the language of sub-sections (1) and (2) of Section 3 that the exercise of the power of detention is made dependant on the subjective satisfaction of the detaining authority that with a view to preventing person from acting in a prejudicial manner, as set out in sub-clauses (i), (ii) and (iii) of clause (a) of sub-section (1), it is necessary to

detain such person. The words used in sub-sections (1) and (2) of Section 3 are "if satisfied" and they clearly import subjective satisfaction on the part of the detaining authority before an order of detention can be made. And it is so provided for a valid reason which becomes apparent if we consider the nature of the power of detention and the conditions on which it can be exercised. *The power of detention is clearly a preventive measure. It does not partake in any manner of the nature of punishment. It is taken by way of precaution to prevent mischief to the community. Since every preventive measure is based on the principle that a person should be prevented from doing something which, if left free and unfettered, it is reasonably probable he would do, it must necessarily proceed in all cases, to some extent, on suspicion or anticipation as distinct from proof.* Patanjali Sastri, C.J. pointed out in *State of Madras v. V.G. Row* that preventive detention is "largely precautionary and based on suspicion" and to these observations may be added the following words uttered by the learned Chief Justice in that case with reference to the observations of Lord Finlay in *R. v. Halliday*, namely, that the 'court was the least appropriate tribunal to investigate into circumstances of suspicion on which such anticipatory action must be largely based'. This being the nature of the proceeding, it is impossible to conceive how it can possibly be regarded as capable of objective assessment. *The matters which have to be considered by the detaining authority are whether the person concerned, having regard to his past conduct judged in the light of the surrounding circumstances and other relevant material, would be likely to act in a prejudicial manner as contemplated in any of sub-clauses (i), (ii) and (iii) of clause (1) of sub-section (1) of Section 3, and if so, whether it is necessary to detain him with a view to preventing him from so acting. These are not matters susceptible of objective determination and they could not be intended to be judged by objective standards. They are essentially matters which have to be administratively determined for the purpose of taking administrative action. Their*

determination is, therefore, deliberately and advisedly left by the legislature to the subjective satisfaction of the detaining authority which by reason of its special position, experience and expertise would be best fitted to decide them. It must in the circumstances be held that the subjective satisfaction of the detaining authority as regards these matters constitutes the foundation for the exercise of the power of detention and the Court cannot be invited to consider the propriety or sufficiency of the grounds on which the satisfaction of the detaining authority is based. *The Court cannot, on a review of the grounds, substitute its own opinion for that of the authority, for what is made a condition precedent to the exercise of the power of detention is not an objective determination of the necessity of detention for a specified purpose but the subjective opinion of the detaining authority, and if a subjective opinion is formed by the detaining authority as regards the necessity of detention for a specified purpose, the condition of exercise of the power of detention would be fulfilled.* This would clearly show that the power of detention is not a quasi-judicial power.

9. But that does not mean that the subjective satisfaction of the detaining authority is wholly immune from judicial reviewability. The courts have by judicial decisions carved out an area, limited though it be, within which the validity of the subjective satisfaction can yet be subjected to judicial scrutiny. The basic postulate on which the courts have proceeded is that the subjective satisfaction being a condition precedent for the exercise of the power conferred on the executive, the Court can always examine whether the requisite satisfaction is arrived at by the authority: if it is not, the condition precedent to the exercise of the power would not be fulfilled and the exercise of the power would be bad. There are several grounds evolved by judicial decisions for saying that no subjective satisfaction is arrived at by the authority as required under the statute. The simplest case is whether the authority has not applied its mind at all; in such a case the authority could not possibly be satisfied

as regards the fact in respect of which it is required to be satisfied. *King Emperor v. Sibnath Banerjee* is a case in point. Then there may be a case where the power is exercised dishonestly or for an improper purpose: such a case would also negative the existence of satisfaction on the part of the authority. The existence of "improper purpose", that is, a purpose not contemplated by the statute, has been recognised as an independent ground of control in several decided cases. The satisfaction, moreover, must be a satisfaction of the authority itself, and therefore, if, in exercising the power, the authority has acted under the dictation of another body as the Commissioner of Police did in *State of Bombay v. Gordhandas Bhanji* and the officer of the Ministry of Labour and National Service did in *Simms Motor Units Ltd. v. Minister of Labour & National Service* the exercise of the power would be bad and so also would the exercise of the power be vitiated where the authority has disabled itself from applying its mind to the facts of each individual case by self-created rules of policy or in any other manner. The satisfaction said to have been arrived at by the authority would also be bad where it is based on the application of a wrong test or the misconstruction of a statute. Where this happens, the satisfaction of the authority would not be in respect of the thing in regard to which it is required to be satisfied. Then again the satisfaction must be grounded 'on materials which are of rationally probative value'. (*Machindar Shivaji Mahar v. R.*) The grounds on which the satisfaction is based must be such as a rational human being can consider connected with the fact in respect of which the satisfaction is to be reached. They must be relevant to the subject-matter of the inquiry and must not be extraneous to the scope and purpose of the statute. If the authority has taken into account, it may even be with the best of intention, as a relevant factor something which it could not properly take into account in deciding whether or not to exercise the power or the manner or extent to which it should be exercised, the exercise of the power would be bad. (*S. Pratap*

Singh v. State of Punjab) If there are to be found in the statute expressly or by implication matters which the authority ought to have regard to, then, in exercising the power, the authority must have regard to those matters. The authority must call its attention to the matters which it is bound to consider."

(emphasis supplied)

{To be noted, the portion of extracted **Khudiram Das** which is in italics is as in **Ameena Begum** as reported in **(2023) 9 SCC 587**}.

[11] We respectfully follow **Khudiram Das** principle. Be that as it may, **Dimple Happy Dhakad** is clearly distinguishable on facts *qua* the factual matrix of the case on hand. The reason is, in **Dimple Happy Dhakad**, the only point is the detaining authority not recording imminent possibility of detenu being enlarged on bail but in the instant case, it is not merely a case of detaining authority not recording imminent possibility of detenu being enlarged on bail but it is a case of the detaining authority not noticing obtaining factual position that the detenu was in custody, *i.e.*, he remained incarcerated on the date on which the impugned preventive detention order was made. In this regard, learned prosecutor drew our attention to a history sheet which according to him forms part of the detection order and in the history sheet, it has been recorded by Superintendent of Police, Imphal West, that the detenu was remanded to judicial custody on 30.06.2025 and is lodged in Manipur Central Jail, Sajiwa. Though the history sheet says that the detenu has been remanded and remains lodged in the Manipur Central Jail, Sajiwa, in the impugned preventive detention order, the detaining authority after making it clear that powers under Section 3(2) of NSA are being exercised has directed the detenu to be detained and lodged in Manipur

Central Jail, Sajiwa, unless the impugned preventive detention order is revoked or modified earlier. If this subjective satisfaction is subjected to judicial review, *i.e.*, the same being justiciable to the limited extent as indicated in **Khudiram Das** and reiterated in **Ameena Begum**, we have no hesitation in coming to the conclusion that the impugned preventive detention order stands vitiated. To put it differently, **Dimple Happy Dhakad** is distinguishable on facts and **Khudiram Das** as reiterated in **Ameena Begum** if applied to test impugned preventive detention order, the same come to aid of the writ petitioner in his campaign against impugned preventive detention order as regards this point.

[12] Before concluding, this Court deems it appropriate to record another aspect of the matter. In the case on hand, as would be evident from the factual matrix narrative *supra* as well as the trajectory the matter has taken thus far, it is clear that impugned preventive detention order is predicated on a lone FIR, the law is well settled that a preventive detention order can be predicated on lone FIR and there can be no quarrel over this proposition but in the instant case, even in the lone FIR, the detenu has been allowed to get default bail on 08.10.2025 (in his default bail application dated 04.10.2025). This takes this Court to celebrated **Ram Manohar Lohia vs. State of Bihar and another** reported in **(1965) SCC OnLine SC 9**. The oft quoted **Ram Manohar Lohia** is a case law in which Hon'ble Supreme Court explained law and order, public order and security of State by resorting to an illustrative narrative of three concentric circles. This is contained in paragraph 55 and 56 of **Ram Manohar Lohia** which read as follows:

'55. It will thus appear that just as "public order" in the rulings of this Court (earlier cited) was said to comprehend disorders of less gravity than those affecting "security of State", "law and order" also comprehends disorders of less gravity than those affecting "public order". One has to imagine three concentric circles. Law and order represents the largest circle within which is the next circle representing public order and the smallest circle represents security of State. It is then easy to see that an act may affect law and order but not public order just as an act may affect public order but not security of the State. By using the expression "maintenance of law and order" the District Magistrate was widening his own field of action and was adding a clause to the Defence of India Rules.

56. We do not know the material on which the District Magistrate acted. If we could examine the reasons we may be able to say whether the action can still be said to fall within the other topic public safety. That enquiry is not open to us. If we looked into the matter from that angle we would be acting outside our powers. The order on its face shows two reasons. There is nothing to show that one purpose was considered to be more essential than the other. We are not, therefore, certain that the District Magistrate was influenced by one consideration and not both. The order of detention is a warrant which authorises action. Affidavits hardly improve the order as it is. If there is allegation of bad faith they can be seen to determine the question of good faith. If mistaken identity is alleged we can satisfy ourselves about the identity. But if action is taken to maintain law and order instead of maintaining public order, there is room to think that the powers were misconceived and if there is such a fundamental error then the action remains vulnerable. It will not be possible to say that although maintenance of law and order were specified, what was considered was the problem of maintenance of public order. The error is an error of a fundamental character and unlike quoting a wrong notification. It is thus apparent why one error in the order of detention is admitted but not the other, and why with elaborate arguments it is attempted to establish that "public order" involves elements more numerous than "law and order" where, in fact, the truth is the other way.'

[13] In the case on hand, the respondents (State) even in the regular law and order mechanism have allowed the detenu to get default bail (obviously owing to investigation/prosecution not filing final report within prescribed time frame) but is making an endeavor to sustain the preventive detention order (to be noted, this is not the point on which we are dislodging the impugned preventive detention order but this obtaining position is set out in instant order only for the limited purpose of completion of facts as well as for comprehensively capturing the trajectory this matter has taken thus far).

[14] Ergo, sequitur is, captioned writ petition is allowed. Impugned preventive detention order dated 21.07.2025 bearing Reference No. CrI/NSA/No. 8 of 2025, made by R-1 (District Magistrate, Imphal West District), approval of the same by State Government on 31.07.2025 followed by confirmation order dated 22.08.2025 bearing Reference No. H-1401/16/2025-HD-HD are set aside and the detenu, Shri Longjam Boy Singh @ Khaba aged about 35 years, S/o L. L. Ibohal Singh of Yumnam Huidrom Thiyam Leishangkhong, PS Wangoi, Imphal West District, now lodged in Manipur Central Jail, Sajiwa, 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

Sandeep

CHIEF JUSTICE

P.S. I : Upload forthwith

P.S. II : All concerned will remain bound by this order as uploaded in the official website of High Court