

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

WP(CrI.) No. 18 of 2024

Thangkim Guite alias Thangkim Mizo alias Kimma Mizo alias
Thangkim Zou

...Petitioner

- Versus -

State of Manipur and 4 others

...Respondents

B E F O R E
HON'BLE THE CHIEF JUSTICE MR. D. KRISHNAKUMAR
HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH

ORDER

21-02-2025

(D. Krishnakumar, C.J.),

Mr. Moranthyl Saka, learned counsel, appears for the petitioner
and Mr. M. Devananda, learned Additional Advocate General assisted by Ms. N.
Jyotsana, learned counsel, appears for the State respondents.

The petitioner has filed the instant writ petition with the following
prayers :

*“In view of the premises stated above, it is therefore,
prayed, that your lordship may graciously be pleased :*

- I. To issue a writ in the nature of Habeas Corpus or any
other appropriate writ (s) directing Respondent No. 4 to
immediately release the detenu (herein the petitioner)
from the Manipur Central Jail, Sajiwa, Foreigner's
detention centre; and*
- II. To pass any appropriate order(s) or direction (s) which
the Hon'ble Court deems fit and proper in the facts and
circumstances of the case.”*

The petitioner has filed the instant writ petition with the aforesaid prayers stating that he had been illegally detained by the respondent authority despite bail was granted in Cril. Misc. (B) Case No. 233 of 2023 on the file of learned Special Judge (NDPS), Lamphel.

Learned counsel for the petitioner submits that though bail has been granted by the Special Judge (NDPS), Lamphel, the respondent has declined to release the petitioner. The petitioner, therefore, has filed the present Habeas Corpus seeking the aforesaid prayer.

Respondents have filed the counter affidavit.

In the counter affidavit it has been stated that the petitioner being a foreigner and as per the order of the Government under Foreigners Act, 1946 who has been kept in the Foreigner Detention Centre. Therefore, the petitioner cannot be released on bail though bail was granted by the learned Special Judge (NDPS), Lamphel and in such circumstances, the respondents authority seeks for dismissal of the writ petition.

In response to the counter affidavit filed by the respondents, learned counsel appearing for the petitioner submits that the petitioner is an Indian citizen and he is not a foreigner. Therefore, the said submission of the respondents is not correct. Further, he also states that all the documents will be submitted to the authority concerned for consideration of release of the petitioner. In such circumstances, he seeks permission of this Court to submit an application to the respondent authority along with the relevant documents within a period of 2 (two) weeks from the date of receipt of a copy of this order,

for consideration of release of the petitioner by the respondents authority as early as possible.

Learned Additional Advocate General appearing for the State respondents also made no serious objection on the submission of learned counsel appearing for the petitioner on the simple ground that the petitioner should approach the respondents authority by submitting an application along with the sufficient documents of the petitioner to establish that the petitioner is an Indian citizen, for releasing him by the respondents authority.

In view of the above submission made by the parties and on perusal of the materials on record, we are inclined to allow the writ petition by giving liberty to the petitioner to submit a representation to the Commissioner (Home), Government of Manipur within a period of 2 (two) weeks from the date of receipt of a copy of this order, along with all the relevant documents to prove his nationality. On receipt of such representation, it is for the Commissioner (Home), Government of Manipur to consider it in accordance with law and pass appropriate orders as early as possible without further delay.

With the above observation and direction, the writ petition stands disposed of.

JUDGE

CHIEF JUSTICE

Sushil