



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO. 10117 OF 2026 (GM-POLICE)

BETWEEN:

ZAKEER HUSSAIN
S/O HEEMAM HUSAIN SAB,
AGED ABOUT 46 YEARS,
R/AT SANTEBENNURU VILLAGE,
CHANNAGIRI TALUK,
DAVANAGERE - 577 552

...PETITIONER

(BY SRI. MOHAN KUMARA D., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF HOME,
VIDHANA SOUDHA,
AMBEDKAR VEEDHI,
BANGALORE - 560 001
2. THE INSPECTOR GENERAL OF POLICE (I.G.P)
EASTERN RANGE,
DAVANAGERE - 577 006
3. THE CHIEF SUPERINTENDENT
CENTRAL PRISON,
BELLARY-583 103

...RESPONDENTS

(BY SRI. C.H. DEVARAJ., GA)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI OR OTHER APPROPRIATE WRIT SEEKING TO QUASH THE DETENTION ORDER DATED 23/02/2026 PASSED BY R2 IN NO. CRM-1/17/ER-2026, VIDE ANNEX-A, AND CONSEQUENTLY TO DIRECT R3 TO RELEASE THE PETITIONER FORTHWITH FROM THE JUDICIAL CUSTODY AND ETC.

Digitally signed
by SHWETHA
RAGHAVENDRA
Location: HIGH
COURT OF
KARNATAKA



THIS WRIT PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

ORAL ORDER

1. The petitioner is before this Court seeking for the following reliefs:

a) Issue a Writ of Certiorari or other appropriate writ seeking to quash the detention order dated 23.02.2026 passed by Respondent No.2 in No. CRM-1/17/ER/2026, vide ANNEXURE-A, and consequently to direct Respondent No.3 to release the Petitioner forthwith from the judicial custody.

b) Pass such other order/s as this Hon'ble Court deem fit under the facts and circumstances of the case, in the interest of justice and equity.

2. The Superintendent of Police, Davanagere on the basis of recommendation made by the Inspector of Police, Santebennur had passed an order of detention against the petitioner on 23.02.2026 under the Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances (PITNDPS) Act, 1988.
3. The contention of the petitioner is that it was only the detention order which was furnished to the petitioner both in English and Kannada. The documents relied upon were not furnished and it is in that background that it is contented that the detention order passed against the petitioner is not maintainable and is required to be set aside.



4. In this regard, learned counsel for the petitioner relies upon the decision of the Hon'ble Apex Court in case of ***State of Manipur vs. Buyamayum Abdul Hanan @ Anand & another***¹, more particularly para 8, 14 and 17 thereof which are reproduced hereunder for easy reference;

8. The main thrust on which the writ petition was filed under Article 226 of the Constitution assailing the order of detention was that respondent No.1 was not supplied with legible copies of the documents relied upon by the detaining authority while passing the order of detention and that has taken away the valuable right of respondent no.1 in making an effective representation. The right to make a representation is a fundamental right and non-supply of the legible copies of the documents relied upon by the authorities in passing the order of detention is in violation of Article 22(5) of the Constitution and placed reliance on the judgments of this Court in Smt. Dharmista Bhagat v. State of Karnataka & Another¹, Manjit Singh Grewal @ Gogi v. Union of India & Ors.², Mehrunissa v. State of Maharashtra³ and Bhupinder Singh v. Union of India & Others¹.

14. Learned counsel for the appellants has not disputed the proposition settled by this Court that supply of legible copies of the documents relied upon by the detaining authority is a sine qua non for making an effective representation which is the fundamental right of detenu guaranteed under Article 22(5) of the Constitution. The only submission made by learned counsel for the appellants is that respondent no.1, at no stage, raised any objection that the pages of the documents relied upon by the detaining authority in the grounds of detention were illegible or blurred which, in any manner, has denied him the opportunity of making representation and the objection was raised, for the first time, before the High Court and not at any stage before the detaining authority. In the given facts and

¹ Spl.P.(Criminal)No.2420 of 2022



circumstances, learned counsel submits that the interference made by the High Court in setting aside the order of detention is not legally sustainable and deserves to be interfered with by this Court.

17. *It is well settled that right to make a representation implies that the detenu should have all the information that will enable him to make an effective representation. No doubt, this right is again subject to the right or privilege given by clause (6). At the same time, refusal to supply the documents requested by the detenu or supply of illegible or blurred copies of the documents relied upon by the detaining authority amounts to violation of Article 22(5) of the Constitution. Although it is true that whether an opportunity has been afforded to make an effective representation always depends on the facts and circumstances of each case.*

5. By relying on ***Buyamayum Abdul Hanan*** case, his submission is that the communication has to be complete inasmuch as it is only if the detainee has all the information to make a representation that the service can be held to be sufficient. Without all the documents being available, the detainee would not be able to make a proper representation for the purpose of consideration of the detention authority.
6. In that case, it was illegible copies which had been furnished. The present case is even worse off inasmuch as apart from the detention order no other documents have been furnished.
7. Learned AGA having been called upon to make his submission and place on record any acknowledgement for having served the documents.



He fairly submits that there is no such acknowledgement which is available on the file.

8. In that view of the matter, the requirements as laid down in ***Buyamayum Abdul Hanan*** has not been complied with by the respondent requiring this Court to intercede. As such, this Court passes the following;

ORDER

- i. The writ petition is ***allowed***.
- ii. A certiorari is issued, the detention order dated 23.02.2026 passed by respondent No.2 in No.CRM-1/17/ER/2026 at Annexure-A is quashed.
- iii. Respondent No.3 is directed to release the petitioner within 24 hours.
- iv. Respondents are directed to act on a printout of the uploaded copy of the order. If there is any doubt about the veracity of the order, the respondent can always scan the QR code to verify from the website of the High Court.

Sd/-
(SURAJ GOVINDARAJ)
JUDGE