



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**  
**DATED THIS THE 29<sup>TH</sup> DAY OF APRIL, 2026**  
**BEFORE**  
**THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM**  
**WRIT PETITION NO. 11831 OF 2026 (GM-POLICE)**  
**BETWEEN:**

1. IRFAN PASHA @ BATAN  
S/O. LATE. SARDAR PASHA  
@ ATHAULLA  
AGED ABOUT 32 YEARS,  
RESIDING AT NO. 2693,  
9<sup>TH</sup> CROSS, M.K.D.K. ROAD,  
MANDI MOHALLA, MYSURU CITY - 01.  
(DETAINED IN CENTRAL PRISON, BELLARY)

...PETITIONER

(BY SRI. R.K. MAHADEVA, ADVOCATE)

**AND:**

1. THE STATE OF KARNATAKA  
REP. BY ADDITIONAL DIRECTOR  
GENERAL OF POLICE, LAW AND ORDER,  
NO. 2, NRUPATHUGNA ROAD,  
BENGALURU - 560 001.
2. JAIL SUPERINTENDENT  
CENTRAL PRISON,  
BELLARY DISTRICT,  
BELLARY - 583 103.

...RESPONDENTS

(BY SRI. VIKAS ROJIPURA, AGA)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF  
THE CONSTITUTION OF INDIA PRAYING TO ALLOW THE

Digitally  
signed by  
CHAITHRA A  
Location:  
HIGH COURT  
OF  
KARNATAKA



PETITION AND TRANSFER THE PETITIONER FROM CENTRAL PRISON, BELLARY TO KRISHNARAJANAGARA JAIL (K R NAGARA JAIL) OR NANJANAGUDU JAIL WHO IS DETAINED IN CENTRAL PRISON AS PER ORDER NO.L&O/3/40/2026 DATED 06.04.2026 PASSED BY THE R1 VIDE ANNEXURE-A AND ETC.,

THIS PETITION, COMING ON FOR DICTATING ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

**ORAL ORDER**

The captioned petition is filed by the petitioner who is a convict undergoing sentence in Central Prison, Bellary and is seeking transfer to Krishnarajanagara Jail (K.R.Nagara Jail) or Nanjangudu Jail.

2. The petitioner is presently under preventive detention pursuant to an order dated 06.04.2026 passed by the respondent No.1/Additional Director General of Police in exercise of powers under Section 3(1) of the Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988 (for short, "PITNDPS Act"). Consequent upon the said order, the petitioner is lodged in Central Prison, Bellary.



3. The present writ petition is conspicuously not directed against the order of detention. The limited relief sought is for a direction to the respondents to transfer the petitioner from Central Prison, Bellary to any of the prisons situated at Krishnarajanagara (K.R.Nagar) or Nanjangud, primarily on the ground that the petitioner is suffering from certain ailments and requires periodic medical attention, which, according to him, would be more accessible if he is lodged in a prison nearer to his native place in Mysuru District.

4. Learned counsel for the petitioner would submit that the petitioner is implicated in cases involving only small quantities under the narcotic laws and that his continued detention at a far-off place like Bellary causes grave hardship, particularly in the context of his medical condition. It is contended that, pending consideration of the detention order by the Advisory Board, this Court may exercise its jurisdiction to direct a temporary transfer for a limited period of one month on humanitarian grounds.



5. Per contra, learned Additional Government Advocate, on instructions, would vehemently oppose the petition. He would submit that the petitioner has not challenged the detention order and, therefore, the validity or otherwise of the preventive detention does not fall for consideration in the present proceedings. He would further contend that the detention is subject to statutory safeguards, including confirmation by the competent authority and review by the Advisory Board within the stipulated period, and the process is already set in motion. It is also submitted, based on inputs from the jurisdictional police, that the petitioner has a checkered antecedent history of involvement in drug peddling activities since the year 2014, and his detention at Bellary is a conscious administrative decision intended to sever his local network and prevent recurrence of illicit activities. Therefore, no indulgence is warranted.

6. I have given my anxious consideration to the rival submissions and perused the material on record.



7. At the outset, it requires to be noted that the petitioner has consciously chosen not to assail the detention order dated 06.04.2026. The scope of the present writ petition is thus, narrowly confined to a prayer for transfer from one prison to another. In matters of preventive detention, particularly under the PITNDPS Act, the legislative intent is to empower the State to take pre-emptive measures to curb illicit trafficking in narcotic drugs and psychotropic substances, which is regarded as a serious threat to public order and societal health. The satisfaction recorded by the detaining authority is based on subjective assessment of the necessity to prevent the detainee from engaging in such prejudicial activities.

8. The material placed by the respondents indicates that the petitioner is alleged to be involved in drug peddling activities over a period of time. The very object of placing a detainee in a prison away from his area of operation is to disrupt the chain of contacts, break the local nexus, and ensure that the preventive detention



achieves its intended purpose. Administrative decisions regarding the place of detention are, therefore, not to be lightly interfered with, unless it is demonstrated that such placement is either arbitrary, mala fide, or results in denial of basic constitutional or statutory rights.

9. In the case on hand, the only ground urged is that the petitioner is suffering from certain ailments and requires medical attention. However, no material of such compelling nature is placed on record to indicate that adequate medical facilities are unavailable at Central Prison, Bellary. It is trite that prison authorities are under an obligation to ensure necessary medical care to all inmates, including detainees under preventive detention laws. In the absence of any substantiated material indicating denial of such care, a mere assertion of illness cannot be a ground to seek transfer as a matter of right.

10. Further, the statutory scheme governing preventive detention mandates that the order of detention



is required to be placed before the appropriate Government for approval and thereafter before the Advisory Board for its opinion within the prescribed time frame. The continued detention beyond the initial period is contingent upon such confirmation. When the statute itself provides an inbuilt mechanism of scrutiny and review, this Court would be slow to interject at an intermediate stage, particularly when the detention order itself is not under challenge.

11. The contention that the petitioner, being a resident of Mysuru, is entitled to be lodged in a prison closer to his native place, cannot be accepted as an enforceable right. Place of detention is essentially an administrative matter, guided by considerations of security, logistics, and the overarching objective of the detention law. Unless exceptional circumstances are made out, the detainee cannot dictate the place of his confinement.



12. Having regard to the totality of the circumstances, this Court is of the considered view that no case is made out warranting interference in exercise of jurisdiction under Article 226 of the Constitution of India. The petitioner has an efficacious statutory safeguard in the form of consideration of his case by the competent authority and the Advisory Board, and it is always open to him to work out his remedies in accordance with law, including raising all permissible grounds at the appropriate stage.

13. For the foregoing reasons, this Court proceeds to pass the following:

ORDER

(i) The writ petition is ***dismissed***.

(ii) It is, however, observed that the prison authorities shall ensure that the petitioner is provided with necessary and appropriate medical treatment, as warranted, in accordance with law.



(iii) All contentions of the petitioner, insofar as the detention order is concerned, are left open to be agitated before the appropriate forum, if so advised.

**Sd/-**  
**(SACHIN SHANKAR MAGADUM)**  
**JUDGE**

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List No.: 2 Sl No.: 116