

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1266 of 2015

Arising Out of PS.Case No. -null Year- null Thana -null District- KATIHAR

Md. Kaushar Son of Sekh Murshid Resident of village - Beriya
Kewala, P.S. Amdabad, District - Katihar (Bihar)

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Home Department, Bihar, Patna
2. The Director General of Police, Bihar, Patna
3. The Inspector General of Police, Koshi Range, Purnea
4. The Deputy Inspector General of Police, Katihar
5. The District Magistrate, Katihar
6. The Superintendent of Police, Katihar
7. The Deputy Superintendent of Police, Katihar Sadar, Katihar
8. The Officer - In - Charge, Pranpur, Katihar

.... Respondents

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate
Mr. Raj Narayan Mishra, Advocate
For the Respondent/s : Mr. Prabhu Narayan Sharma, AC to AG

CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

And

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 08-01-2016

Heard learned counsel for the petitioner and learned
counsel for the State.

This is a writ petition seeking writ of habeas corpus
under Article 226 of the Constitution of India, as against the order
of detention dated 22.06.2015, passed by the Collector-cum-
District Magistrate, Katihar, in terms of Bihar Control of Crime
Act, 1981 (hereinafter referred to as the “Act”).

Learned counsel for the petitioner draws our attention to Annexure – 1, which is an order of detention and grounds of detention, and submits that the grounds of detention are not in compliance with the provisions of Article 22(5) of the Constitution of India.

Having perused the same, we are unable to accept the submission. It is clearly stated that as per the report of the Superintendent of Police, the Collector was satisfied that the petitioner was a habitual offender committing various types of crime because of which the people of the locality were being terrorized. A list of four cases was also given which included cases of dacoity and demand of ransom. On the basis of the aforesaid, the opinion has been derived and order of preventive detention passed.

In our view, this is full compliance of the constitutional safeguard as envisaged in Article 22 of the Constitution. There is no infirmity in the order of detention. Hence, this writ application is dismissed.

(Navaniti Prasad Singh, J.)

(Nilu Agrawal, J.)

Rajeev/N.A.F.R.

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