

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.148 of 2016

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

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Ajeet Kumar @ Ajeet Kumar Singh @ Ajeet Singh @ Sutar @ Lalwa @ Sutarava,
Son of Shri Suresh Singh, resident of Village- Malhipur, Bishanpur Chand, P.S/
Barauni, (Chakia), District Begusarai. Petitioner.

Versus

1. The State of Bihar through the Principal Secretary, Home (special) Department,
Government of Bihar, Old Secretariat, Patna.
 2. The Principal Secretary, Home (Special) Department, Government of Bihar,
Old Secretariat, Patna.
 3. The District Magistrate, Begusarai.
 4. The Superintendent of Police, Begusarai.
 5. The Sub-Divisional Police officer(Sadar), Begusarai.
 6. The Superintendent of Jail, Begusarai. Respondents.
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Appearance :

For the Petitioner : Mr. Arun Kumar, Adv.

For the Respondents : Mr.Arvind Ujjwal, SC-25.

Mr. Upendra Pratap, AC to SC-25.

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

And

HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

C.A.V. JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 09-03-2016

By this writ petition, the petitioner has
challenged his preventive detention as made, by order dated
23.05.2015, by the District Magistrate, Begusarai, under the
provisions of the Bihar Control of Crimes Act, 1981 (for the

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sake of brevity 'Act').

2. Counter affidavit being filed by the State and records of detention being produced, we have heard the parties at length and are disposing of the writ petition at this stage itself.

3. The primary challenge in the writ petition was that the District Magistrate, having issued a detention order dated 23.05.2015, his detention was not approved within 12 days after issuance of the detention order by the State Government, as required under Section-12 (3) of the Act, which renders his detention illegal.

4. At the time of hearing, on an earlier date, it was further submitted on behalf of the writ petitioner that he was denied opportunity to represent against detention and, apparently, his detention was confirmed by the State only on 10.07.2015, after undue delay. We had, accordingly, requested the learned counsel for the State to produce the records, which have been produced.

5. Having considered the matter, in our view, there is no cause for interference. It is not in dispute that the petitioner is accused in about 12 criminal cases, all of serious nature, and the petitioner does not denied the same.



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He would, thus, fall under the category of antisocial element, as defined under Section-2 (d) of the Act. From the records, it further appears that considering the aforesaid facts, as brought to the notice of the District Magistrate by the Superintendent of Police, Begusarai, on 23.05.2015 detention order was issued by the District Magistrate, Begusarai, in exercise of powers conferred upon him under Section-12 (3) of the Act. Simultaneously, on the same day, the grounds of detention were also served on the petitioner, who was in judicial custody at that time, as required by proviso to sub-section (3) of Section-12 of the Act. On 27.05.2015, the District Magistrate sent the order of detention to the State Government for confirmation. On 01.06.2015, the State Government confirmed the detention and, thus, the detention, having been confirmed by the State Government within 8 days of the detention order, as passed by the District Magistrate, the detention cannot be said to be in violation of Section-12 (3) of the Act. Soon thereafter, on 15.06.2015, the State Government referred the matter to the Advisory Board. On the same day, the writ petitioner-detenu filed a representation to the State Government against his detention through the Superintendent of Jail, Begusarai, which, again after



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consideration, was rejected by the State Government by order dated 26.06.2015. The matter was then placed before the Advisory Board and, after Advisory Board confirmed the order of detention, the State Government on 10.07.2015 confirmed the detention of the petitioner for a period of one year in terms of Section-22 of the Act up to 22.05.2016.

6. These being the facts, as apparent from the records, we are unable to hold that either the order of detention, as passed by the District Magistrate, Begusarai, was bad or that there was no confirmation thereof within 12 days by the State Government nor was there any delay in consideration of the representation of the detenu nor there has been a delay in consideration of the matter by the Advisory Board. Thus, the reliance placed on behalf of the petitioner on the judgment of this Court in the case of **Nirala Yadav alias Raja Ram Yadav alias Dipak alias Ajai Yadav alias Prabesh Yadav & Azad Vs. the State of Bihar** since reported in **2013 (1) PLJR 919** in regards to delay in consideration of representation and/or confirmation of detention is of no help. The judgment is not applicable to the facts of the present case.

7. In view of the aforesaid, we are unable



to interfere in the matter and find no merit in the writ application, which is, accordingly, dismissed. Let the records be returned to the learned counsel for the State.

(Navaniti Prasad Singh, J.)

(Hemant Gupta, J.) I agree.

(Hemant Gupta, J.)

Trivedi/AFR

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