

04.10.2021
SL No.1
Court No.30
(gc)

WPA (H) 43 of 2021

**Heisnam Chaoba Singh
Vs.
The Union of India & Ors.**

Mr, Uday Sankar Chattopadhyay,
Mr. Pronay Basak,
...for the Petitioner.

Mr. Y.J. Dastoor, Ld. A.S.G,
Mr. Vipul Kundalia,
Ms. Anamika Pandey,
...for the Union of India.

Mr. Saibal Bapuli, Ld. A.P.P.,
Mr. Md. Sabir Ahmed,
...for the State.

Mr. Phiroze Edulji,
Mr. Arijit Mazumdar,
...for the respondents no. 7 to 9.

This matter was heard on 29th September, 2021. While deliberating on the issues and going through the various decisions, subsequent to the hearing we felt that clarifications are required on the issues as to (i) whether in absence of any fresh material during detention an order of preventive detention could be validly passed. (ii) In the event the detaining authority did not exercise its power under Section 8 of the Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988 what would be its consequence in view of grant of bail by this court during custody and response of the learned Counsel for the parties with regard to the two decisions of the Hon'ble Supreme Court in **Banka Sneha Sheela Vs. The State of Telangana & Ors.** reported at

MANU/SC/0493/2021 and **Huidrom Konungjao Singh**
Vs. State of Manipur reported at **(2012) 7 SCC 181**.

The matter is fixed for further consideration tomorrow, i.e., 5th October, 2021 at the top.

The original file produced earlier is returned to the learned Additional Solicitor General.

Photostat plain copy of this order duly counter-signed by the Assistant Registrar (Court) be given to the parties on usual undertaking.

(Rabindranath Samanta, J.)

(Soumen Sen, J.)