

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1007 of 2025

Arising Out of PS. Case No.- Year-0 Thana- District-

Ram Pravesh Roy, S/O Kamal Ray, R/O Vill.- Jethuli, P.S.- Nadi, Dist.- Patna.
... .. Petitioner

Versus

1. The Union of India through the Secretary, Ministry of Finance, Dept of Revenue, North Block, New Delhi.
2. The Joint Secretary, Ministry of Finance, Department of Revenue (PIT NDPS Unit), North Block, New Delhi.
3. The Deputy Secretary, Government of India, Ministry of Finance, Department of Revenue (PIT NDPS Unit), New Delhi.
4. The Zonal Director, Narcotics Control Bureau, Patna Zonal Unit, Bihar.
5. The Home Secretary, Government of Bihar, Patna.
6. The Additional Secretary, Home Department, Government of Bihar, Patna.
7. The Superintendent of Jail, District Jail, Darbhanga, Bihar.

... .. Respondents

Appearance :

For the Petitioner/s : Mr. P.N. Shahi, Sr. Advocate
Mr. Ashok Kumar Mishra, Advocate
For the Respondent/s : Dr. K.N. Singh (A.S.G.)
Mr. Ram Anurag Singh, CGC
Mr. Shivaditya Dhari Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
and
HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

5 29-07-2025 Heard Mr. P.N. Shahi, learned Senior Counsel assisted by Mr. Ashok Kumar Mishra, learned counsel for the petitioner and Dr. K.N. Singh, learned ASG assisted by Mr. Ram Anurag Singh, learned Central Government Counsel for the respondents.

2. The petitioner in the present writ application is praying for a Writ in the nature of a Writ of Habeas Corpus and seeking his release after quashing and setting aside of the



detention order dated 27.11.2024 (Annexure 'P1') issued by the Joint Secretary, Department of Finance, Government of India whereby and whereunder the petitioner has been detained in Dharbhanga Jail, Bihar in connection with F. No. 4-11011/56/2024-PIT NDPS, Government of India, Ministry of Finance, Department of Revenue (PIT NDPS Unit) and the order dated 07.03.2025 passed by the Deputy Secretary to the Government of India, Finance Ministry whereby and whereunder the order dated 27.11.2024 has been confirmed and it has been directed that the petitioner be detained for a period of one year from the date of his detention i.e. 02.01.2025.

3. Learned Senior Counsel for the petitioner has taken this Court through the impugned orders. It is submitted that in Annexure 'P1', the petitioner was informed that he may submit his representation against the detention order to the Government Authorities. Accordingly, the petitioner had made his representation (Annexure 'P3') whereafter the impugned order confirming the detention order came, however, on perusal of the confirmation order dated 07.03.2025 (Annexure 'P6'), it would appear that no consideration has been given to the representation of the petitioner.

4. Learned Senior Counsel further submits that in terms of Sub-Section (3) of Section 3 of the Prevention of Illicit Traffic



in Narcotic Drugs and Psychotropic Substances Act, 1988 (in short 'PIT NDPS Act, 1988'), the grounds for detention was required to be served upon the petitioner within a maximum period of fifteen days but in this case, the grounds for detention has been served upon the petitioner only on 06.01.2025 i.e. much beyond the statutory period of fifteen days.

5. It is submitted that the petitioner was no doubt an accused in four cases but he was acquitted in one of the cases and in other three cases, he was granted bail. In his submission, there must be some reasonable nexus between the order of detention and the grounds on which such detention orders are passed.

6. On the other hand, learned ASG submits that in this case, the detention order as contained in Annexure 'P1' speaks for itself. The Detaining Authority has taken a view on the detention of the petitioner only after being fully satisfied that the petitioner was indulging in organising the illicit trafficking of Narcotic Drugs and Psychotropic Substances as well as have a high propensity to engage in this illicit activity. It is submitted that justification has been offered by the Detaining Authority while exercising his power under Section 3(1) of the PIT NDPS Act, 1988.

7. Learned ASG further submits that the Advisory Board did not find any reason to interfere with the order of detention.



Moreover, the ground raised by the petitioner with regard to non-service of the grounds within the stipulated period of fifteen days is not correct. Attention of this Court has been drawn towards the statement made in paragraph '6' of the counter affidavit wherein it is stated that the order dated 27.11.2024 was served upon the petitioner in Dharbhanga Jail on 02.01.2025. A panchnama was also prepared there and the ground of detention was served upon the petitioner on 06.01.2025 in presence of the Deputy Superintendent and the Assistant Superintendent of Mandal Kara/Jail, Dharbhanga, Bihar.

8. We have heard learned Senior Counsel for the petitioner and learned ASG for the Union of India. On perusal of the records, we are satisfied that the Detaining Authority has passed a well-reasoned order (Annexure 'P1') which has been confirmed by the Deputy Secretary, Ministry of Finance after having noticed that the Advisory Board has not found any ground to interfere with the same. A reading of clause (f) of Section 9 of the PIT NDPS Act, 1988 would show that it is the mandate of law that in every case where the Advisory Board has reported that there is in its opinion sufficient cause for detention of a person, the appropriate Government may confirm the detention order and continue the detention of the person concerned for such period as it thinks fit and in every case where the Advisory Board has



reported that there is in its opinion no sufficient cause for detention of the person concerned, the appropriate Government shall revoke the detention order and cause the person to be released forthwith.

9. In the present case, the order as contained in Annexure 'P6' clearly mentions of the decision of the Advisory Board.

10. Even otherwise, we find that the specific dates of service of the detention order and the grounds of detention mentioned in paragraph '6' of the counter affidavit of the Union of India has not been specifically controverted. A completely vague plea has been taken by the petitioner that he was made to sign on a blank paper.

11. In ultimate analysis, we find no reason to interfere with the impugned order.

12. This writ application is dismissed.

(Rajeev Ranjan Prasad, J)

(Shailendra Singh, J)

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