GAHC010228372026

undefined

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : I.A.(Civil)/3662/2026

MUSSTT PARISKAR BEGUM
DAUGHTER OF LATE ASGOR ALI, WIFE OF ABDUL KARIM, RESIDENT OF VILLAGE NAHARGAON, POLICE STATION AND POST OFFICE- DOBOKA, DISTRICT- HOJAI, ASSAM, PIN-782440

VERSUS

THE UNION OF INDIA AND ORS.
REPRESENTED BY THE SECRETARY,MINISTRY OF HOME AFFAIRS, NEWDELHI, PIN 110001

2:THE ELECTION COMMISSION OF INDIA
REPRESENTED BY THECHIEF ELECTION COMMISSIONER
NEW DELHI
110001

3:THE STATE OF ASSAM
REPRESENTED BY THECOMMISSIONER AND SECRETARY
TO THE GOVERNMENT OF ASSAM
HOME DEPARTMENT
DISPUR
GUWAHATI 781006

4:THE DISTRICT COMMISSIONER
HOJAI
ASSAM
DISTRICT HOJAI
PIN 782442

5:THE SUPERINTENDENT OF POLICE BOARDER
HOJAI

782442

6:THE COORDINATOR NATIONAL REGISTER OF CITIZENS
BHANGAGHAR
GUWAHATI
78100

Advocate for the Petitioner : ALHAJJ I UDDIN,

Advocate for the Respondent : ,

Linked Case : WP(C)/6737/2025

MUSSTT. PARISKAR BEGUM
W/O- ABDUL KARIM
PERMANENT RESIDENT OF VILL.- NAHARGAON
P.S. DOBOKA
DIST. HOJAI
ASSAM

VERSUS

THE UNION OF INDIA AND 5 ORS
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS
NEW DELHI-110001.

2:THE ELECTION COMMISSION OF INDIA
REPRESENTED BY THE CHIEF ELECTION COMMISSIONER
NEW DELHI-110001.

3:THE STATE OF ASSAM
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF ASSAM
HOME DEPARTMENT
DISPUR
GUWAHATI
PIN-781006

4:THE DISTRICT COMMISSIONER
HOJAI
DIST HOJAI
ASSAM
PIN 782445

5:THE SUPERINTENDENT OF POLICE (BORDER)

HOJAI
ASSAM
PIN 782445

6:THE COORDINATOR
NATIONAL REGISTER OF CITIZENS
BHANGAGARH
GUWAHATI-781004.

Advocate for : TAWHID LASKAR
Advocate for : DY.S.G.I. appearing for THE UNION OF INDIA AND 5 ORS

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

02.11.2026
(K.R. Surana, J)

Heard Mr. A. I. Uddin, learned counsel for the applicant. Also heard Mr. N. Upadhaya, learned CGC; Mr. G. Sarma, learned standing counsel for the FT matters and NRC; Ms. S. Kataky, learned standing counsel for the ECI; and Ms. R. B. Bora, learned Additional Senior Govt. Advocate for the State respondent.

2. By filing this interlocutory application by the applicant, who is the petitioner in the connected WP(C) 6737/2025, has prayed for bail.

3. The learned counsel for the applicant has submitted that the applicant was the proceedee in FT (D) Case No. 437/2015, arising out of S. P's F. T. Case No. 252/2014 and the said learned Tribunal, by opinion dated 25.07.2017, declared the petitioner to be a foreigner post 25.03.1971. It is projected that after some days, in the year 2017, the applicant was arrested and shifted to the Detention Centre at Tezpur, District Sonitpur.

4. The applicant had challenged the said opinion dated 25.07.2017 before this Court by filing WP(C) 5519/2017, and while the applicant was still at the Detention Centre, by an order dated 26.02.2019, passed by this Court in WP(C) 5519/2017, the writ petition was partly allowed and the matter was remanded back to the said learned Tribunal to pass a fresh opinion on terms as indicated in the said order.

5. It is submitted that while the petitioner was still at the detention centre, due to setting up of additional Foreigners Tribunals, the matter was transferred for disposal before the learned Foreigners Tribunal, Nagaon 10th at Sankardev Nagar, Hojai, and the said learned Tribunal had passed a fresh opinion dated 26.04.2019 in FT (D) Case No. 437/2015, arising out of S. P (B)'s F. T. Case No. 252/2014, once again declaring the applicant to be a foreigner post 25.03.1971 stream.

6. It is projected that all this time the applicant was still in custody, and pursuant to the orders passed by the Supreme Court of India as well as by this Court during COVID period, the applicant was enlarged on bail in the year 2021.

7. The learned counsel for the applicant has submitted that he does not have the date on which the applicant was released on bail during the COVID period.

8. It is submitted that in the meantime on 24.05.2025, the applicant was once again taken into custody and she is presently lodged at Holding Area, 7th AP Battalion, Charaikhola, Kokrajhar. As the family members did not know the whereabouts of the applicant, her son approached this Court, and this Court by an order dated 11.08.2025 passed in W.P. (Crl.)/52/2025, permitted

the family member to meet the petitioner at the Holding Centre, and accordingly, they obtained the signature in vakalatnama and the present challenge has been made to the opinion dated 26.04.2019 by filing the connected WP(C) 6737/2025.

9. The learned counsel for the applicant has submitted that the applicant is a female of about 60 years of age.

10. The prayer for bail is opposed by learned standing counsel for the FT and Border matters on the ground that the earlier opinion dated 25.07.2017 was interfered by this Court only to enable the learned Foreigners Tribunal to examine the matter in light of Exhibit-13, and the same was considered and a fresh opinion was passed declaring the applicant to be a foreigner post 25.03.1971.

11. Accordingly, he submitted that he is ready to argue the matter on merit, and therefore, this is not a fit case to enlarge the applicant on bail.

12. Notwithstanding that the learned counsel for the applicant could not give the date on which the applicant was previously taken into custody in the year 2017 pursuant to opinion dated 25.07.2017 or the date in the year 2021 when the applicant was released on bail during COVID-19 pandemic, this Court takes into note of the fact that after the subsequent opinion dated 26.04.2019, the applicant was once again taken into custody on 24.05.2025.

13. Therefore, as per the projection made by the learned counsel for the applicant, for about five years from 2017 to 2021, the applicant has been in detention in Holding Area after being apprehended pursuant to the opinion passed on 25.07.2017, which continued post fresh opinion dated 26.04.2019. Moreover, the applicant has suffered more than one year of further detention

from 24.05.2025, the date on which she was taken into custody again, and currently lodged at the Holding Area at Charaikhola, Kokrajhar.

14. Under the circumstances as narrated above, and taking into consideration the projection that the applicant is a female and aged 60 years, the Court is inclined to direct that the applicant, namely, Musstt. Pariskar Begum, against whom a fresh opinion dated 26.04.2019, was passed by the Foreigners Tribunal, Nagaon 10th at Sankardev Nagar, Hojai in Case No. FT (D) Case No. 437/2015, arising out of S. P(B)'s F. T. Case No. 252/2014, by which the petitioner was declared to be a foreigner, and she is once again taken into custody on 24.05.2025, and that she has spent more than a year in further detention, this Court is inclined to pass an order of bail to the following effect:

i. The family members of the applicant shall produce a certified copy of the order before the Superintendent of Police (Border), Hojai, and shall furnish a bail bond of Rs. 10,000/- with two sureties of like amount to the satisfaction of the said authority.

ii. On acceptance of the bail bond, the said authority shall take steps within 3 (three) days for releasing the applicant, namely, Musstt Pariskar Begum, from the Holding Area, Charaikhola, Kokrajhar.

iii. As a condition of bail, the applicant is prohibited from leaving the territorial jurisdiction of the Superintendent of Police (Border), Hojai, without prior intimation in writing and if so permitted by the said authority.

iv. It is provided that as a further condition for bail, the applicant shall appear before the Office of the Superintendent of Police (Border),

Hojai, within the first week (seven days) of every month, and her attendance before the said authority shall be recorded by the Office of the Superintendent of Police (Border), Hojai.

15. Further, the Superintendent of Police (Border), Hojai is directed that on appearance of the petitioner within the period indicated above, the biometrics of the iris of both eyes, the fingerprints of both hands and the photographs of the petitioner shall be obtained, whereafter, she shall be allowed to remain on bail.

16. In the event the applicant fails to appear before the said authority within the period as indicated above, it will be open to the respondent authorities to move this Court for cancellation of bail.

17. The application stands allowed to the extent as indicated above.

18. This interlocutory application stands disposed of.

JUDGE **JUDGE**

Comparing Assistant