IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P (Cr.) (DB) No. 65 of 2026

Devendra Munda, aged about 40 years, S/o Chamo Munda, R/o: Village- Simratari, P.O. & P.S.- Pathalgadda, District-Chatra, Jharkhand. **… … Petitioner**

Versus

1. The State of Jharkhand through the Chief Secretary, Government of Jharkhand at Secretariat, Project Bhawan, HEC Compound, P.O. & P.S.-Dhurwa, District-Ranchi, Jharkhand.
2. The Principal Secretary, Department of Home, Prison and Disaster, Government of Jharkhand, Project Bhawan, HEC Compound, P.O. & P.S.-Dhurwa, District-Ranchi, Jharkhand.
3. The Director General of Police, Jharkhand Police Headquarter, HEC Compound, P.O. & P.S.- Dhurwa, District- Ranchi, Jharkhand.
4. The Deputy Commissioner, Chatra, P.O., P.S. & District-Chatra.
5. The Deputy Collector in charge, District General Branch, Chatra, P.O., P.S. & District-Chatra.
6. The Superintendent of Police, Chatra, P.O. & P.S.-Chatra, District-Chatra, Jharkhand.
7. The Circle Officer, Gidhour, P.O. and P.S.- Gidhour, District-Chatra, Jharkhand.
8. Officer-in-Charge, Pathalgadda P.S., P.O. & P.S.- Pathalgadda, District-Chatra, Jharkhand.
9. The DIG, Investigation Department, CID, Ranchi, Jharkhand, P.O. & P.S.- Doranda, District-Ranchi, Jharkhand.

… … Respondents

CORAM: HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD
HON'BLE MRS. JUSTICE ANUBHA RAWAT CHOUDHARY

For the Appellant : Mr. P.S. Dayal, Advocate
For the Respondents : Mr. Deepankar, AC to G.A.-III

C.A.V on 30.03.2026 Pronounced on 22/04/2026

Per, Anubha Rawat Choudhary, J.

1. This writ petition has been filed for quashing the detention order passed against the petitioner by the respondent no.2 in Memo No. 18/PITNDPS-23/2025- 3991/Ranchi dated 14.10.2025 ***(Annexure-3)*** and ground of detention contained in Memo No. 18/PITNDPS-23/2025-4011 dated 15.10.2025 ***(Annexure-3/1).***

Further prayer has been made to quash Memo No. 18/PITNDPS-23/2025-4929/Ranchi dated 19.12.2025 ***(Annexure-4)*** by which the detention order 14.10.2025, has been confirmed and order was passed for detention of the petitioner for one year from 23.10.2025.

A prayer has also been made for investigation by an independent/specialized agency like the CID, CBI etc. on alleged false implication of the petitioner on the basis of sanha and earlier implication in Pathalgadda P.S. Case No. 17 of 2024 in which the petitioner had already been enlarged on bail by this court.

Factual Matrix

2. It is the case of the petitioner that the petitioner has been granted bail vide order dated 02.05.2025 in B.A. No. 3481 of 2025 in relation to Pathalgadda P.S. Case No. 17 of 2024 corresponding to N.D.P.S. Case No. 207 of 2024 for offence registered under Sections 17(B), 18(B), 21(B), 22(B), 25, 27, 28 and 29 of the Narcotics Drugs and Psychotropic Substances Act,1985 (hereinafter referred as N.D.P.S. Act) said to be pending in the court of learned Additional District Judge-III, Chatra. The bail application of the petitioner was earlier rejected by this Court in B.A. No. 7864 of 2024 vide order dated 21.11.2024.

3. After being enlarged on bail, the petitioner claimed to have been working as farmer and after receiving the letter of detention dated 17.10.2025 issued by the Superintendent of Police, Chatra, the petitioner came to know that the Principle Secretary, Department of Home, Prison and Disaster Management, Government of Jharkhand, Ranchi has passed a detention order against the petitioner vide order

dated 14.10.2025 (Annexure-3), which was confirmed by order dated 19.12.2025(Annexure-4) and the period of detention is one year from 23.10.2025.

4. Being aggrieved with the aforesaid detention order the present petition has been preferred.

Arguments of the petitioner:

5. Learned counsel for the petitioner has referred to Memo No. 18/PITNDPS-23/2025- 4011 dated 15.10.2025(Annexure-3/1), issued by the Respondent no.2, whereby petitioner was communicated ground of his detention issued by the detaining authority Respondent No. 2 Principal Secretary, Department of Home, Prison and Disaster Management, Government of Jharkhand and has submitted that the following cases/sanah are said to have been lodged against the petitioner: -

i. Ramgarh P.S Case No. 100 of 2018 dated 18.03.2018, under Section 17/18(b)/21 of N.D.P.S. Act, 1985 in which the petitioner has been convicted but has been enlarged on bail by the High Court in Cr. Appeal (D.B.) No. 225 of 2020 vide order dated 02.03.2021.

ii. Pathalgadda P.S. Case No. 17 of 2024 dated 31.05.2024 under Section 17(B)/18(B)/21(B)/22(B)/25/27/28/29 of N.D.P.S. Act in which the petitioner has been enlarged on bail by the High Court vide order dated 02.05.2025 and the case is pending.

iii. *Sanha* has been lodged against the petitioner by Pathalgadda P.S. Sanha No. 20 of 2025 dated 20.06.2025 alleging that the petitioner is involved in activities relating to sale and purchase of Narcotic substance and he is provoking the young villagers to engage in such activity by giving temptation of money. It has also been stated in

the Sanha that other criminals are getting associated and therefore, the villagers are neither opposing his activity nor they are giving any information to the police.

iv. Another Sanha entry bearing Pathalgadda P.S. Sanha No. 19 of 2025 dated 27.06.2025 has been registered with similar allegation. Further in the detention order, there is another Sanha entry with the same number i.e. Pathalgadda P.S Sanha No. 19 of 2025 with similar allegations though the same is dated 16.07.2025.

6. It has been submitted that the record of the case reveals that the proposal for preventive detention was initiated on 31.07.2025 by Sub-Divisional Police Officer (SDPO) Simaria, culminating in the order of detention dated 14.10.2025 which is after 2 ½ months.

7. It has been further submitted that the delay in passing the order of detention has snapped the 'live and proximate link' between the alleged prejudicial activities and the purpose of detention which the detaining authority have failed to consider. The detention authority has also failed to consider that the petitioner was released on bail by the orders of this Court. He has relied upon the judgement passed by the Hon'ble Supreme Court in ***Sushanta Kumar Banik vs. State of Tripura and Ors., 2022 SCC OnLine SC 1333***; paragraph 14 and 15 wherein adverse effect of unreasonable and unexplained delay in order of detention *and* securing a detenu and detaining him, has been considered and it has been held that such delay vitiates the detention order. It has also been held that the same principles would apply even in case of delay in passing the order of detention from the date of the proposal and the common underlying principle in both the above situations would be

the ‘live & proximate link’ between the grounds of detention and the avowed purpose of detention.

Arguments of the respondents:

8. On the other hand, the learned counsel for the State has submitted that the proposal for detention of the petitioner reached the detaining authority, the respondent no.2, vide letter dated 27.09.2025(Annexure-B) served on 03.10.2025 and the proposal was taken up and detention order was passed on 14.10.2025, that is, within 11 days from the date of receipt of the proposal. The order of detention was communicated to the petitioner in terms of letter dated 17.10.2025(Anneure-2) and the petitioner was taken into custody from 23.10.2025.

9. Learned counsel has submitted that the delay, if any, has to be seen from the date of receipt of proposal by the competent authority, the respondent no.2 and any period prior to that date is of no consequence. He submits that in such circumstances case of ***Sushanta Kumar Banik(supra)***, passed by the Hon’ble Supreme Court does not help the petitioner in any manner.

Analysis

10. We have heard learned counsel for the parties and gone through the order of detention as also the pleadings made on behalf of the petitioner and the State as available in the writ petition and the counter affidavits.

11. Based upon the aforesaid, in the present case, the following issues require consideration-

i. *Whether there is unreasonable delay in passing the impugned order of detention dated 14.10.2025, though the proposal for preventive detention was initiated on 31.07.2025 by the Sub-Divisional Police Officer (SDPO) Simaria*?

ii. *Whether detaining authority has established 'live and proximate link' between the grounds of detention and the avowed purpose of detention?*

iii. *Whether the grant of bail to the petitioner in pending cases is ground for his release from the preventive detention passed under section 3(1) of the Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988?*

Re: Issue No. (i)

12. Regarding, the issue no.(i), learned counsel for the petitioner has contended that the impugned order of detention dated 14.10.2025, was passed by the Respondent No.2 Principal Secretary, Home, Prison and Disaster Management Department, Government of Jharkhand**,** and there is unreasonable delay in passing the detention order as the proposal for detention was initiated vide memo no. 1040 dated 31.07.2025 by the Sub-Divisional Police Officer, Simaria, and hence, the impugned dentition order has been passed by the detaining authority after delay of two and half months. So, the impugned preventive detention order dated 14.10.2025 and proposal report as contained in memo no. 1040 dated 31.07.2025 has no close nexus and hence, requires interference by this court.

13. This court finds that that the proposal for detention of the petitioner with the required report containing the materials was forwarded by Respondent No.4 D.C, Chatra to the detaining authority respondent no.2, on 27.09.2025(Annexure-B) which reached to the

detaining authority on 03.10.2025 and the detaining authority respondent no.2, after considering the said report accompanying the proposal for detention, passed the order of detention on 14.10.2025 and the petitioner was taken into custody on 23.10.2025.

14. This court also finds that all the communications prior to the date 27.09.2025, when the proposal for detention was forwarded by Respondent No.4 D.C, Chatra, to the detaining authority respondent no.2, are not the proposal for detention, but are related to the report/information regarding the background and the activities of the petitioner which culminated into a proposal for detention and was forwarded to the detaining authority respondent no.2, with supporting documents on 27.09.2025(Annexure-B), which reached the detaining authority respondent no.2 on 03.10.2025.

15. Hence, communication dated 31.07.2025 by Sub-Divisional Police Officer (SDPO) Simaria, to Superintendent of Police (S.P.), Chatra was just a report/information for initiating a Proposal for detention of the petitioner based on the communication dated 29.07.2025 from the officer-in-charge of Pathalgadda police station.

16. So, the proposal for detention was pending before the detaining authority respondent no. 2 only from 03.10.2025 and the order of detention was passed on 14.10.2025 followed by arrest of the petitioner on 23.10.2025.

17. Thus, it cannot be said that the detaining authority respondent no.2, took 2 and ½ months time from the date of proposal to pass the order of detention of the petitioner by counting it from

29.07.2025/31.07.2025. Rather all such communications prior to 27.09.2025 reveal that there were communications amongst the authorities who were to submit the proposal with a report/supporting document to the detaining authority respondent no.2. Thus, the argument of the learned counsel for the detenue/petitioner that the communication dated 31.07.2025 was the proposal for detention is devoid of any merits and is misconceived.

18. In the case of ***Sushanta Kumar Banik (Supra)*** relied on by the learned counsel for the detenue/petitioner, there was delay of almost 5 months in passing the order of preventive detention. In the instant case, even if best case of the petitioner is taken into account, there is a gap of almost 2 ½ months when counted from 31.07.2025 by which report/information was forwarded by the Sub Divisional Police Officer (S.D.P.O.) Simaria to the Superintendent of Police (S.P.) Chatra. Thus, the period of 2 ½ months as alleged in the present case is just half of delay of 5 months which was involved in the judgment passed by the Hon'ble Supreme Court in the case of ***Sushanta Kumar Banik (Supra)***.

19. Further, ongoing through the judgment of ***Sushanta Kumar Banik (Supra)***, this court finds that in this case proposal dated 14.07.2021 was forwarded by the Director General of Police to the Secretary (Home), Government of Tripura, who had passed detention order dated 12.11.2021, and hence, there was delay of about five months.

20. Hence, in case of Sushanta ***Kumar Banik (Supra)***, delay of five months was caused by the detaining authority. But, in the present case,

there is no such delay by the detaining authority as proposal for detention was pending before the detaining authority respondent No.2, only from 03.10.2025(Annexure-B) and order of detention was passed by the detaining authority on 14.10.2025(Annexure-3) i.e. within 11 days, which cannot be said to be undue delay in passing the impugned detention order as contended by the learned counsel for the detenue.

Re: Issue No.(ii)

21. Now, coming to the *second* issue i.e. whether detaining authority has established 'live and proximate link' between the grounds of detention & the avowed purpose of detention. Learned counsel for the detenue/petitioner has submitted that the delay in passing the order of detention has snapped the 'live and proximate link' between the alleged prejudicial activities and the purpose of detention which the detaining authority have failed to consider.

22. Before, proceeding further, it would be pertinent to mention the case of ***Ameena Begum v. State of Telangana, (2023) 9 SCC 587***, wherein Hon'ble Apex Court has laid down certain principles to be observed by the Constitutional Court while examining the legality of orders of preventive detention. Paragraph-28 of this judgment is quoted herein below-

> ***"28.*** *In the circumstances of a given case, a constitutional court when called upon to test the legality of orders of preventive detention would be entitled to examine whether:*
>
> ***28.1.*** *The order is based on the requisite satisfaction, albeit subjective, of the detaining authority, for, the absence of such satisfaction as to the existence of a matter of fact or law, upon which*

validity of the exercise of the power is predicated, would be the sine qua non for the exercise of the power not being satisfied;

28.2. *In reaching such requisite satisfaction, the detaining authority has applied its mind to all relevant circumstances and the same is not based on material extraneous to the scope and purpose of the statute;*

28.3. *Power has been exercised for achieving the purpose for which it has been conferred, or exercised for an improper purpose, not authorised by the statute, and is therefore ultra vires;*

28.4. *The detaining authority has acted independently or under the dictation of another body;*

28.5. *The detaining authority, by reason of self-created rules of policy or in any other manner not authorised by the governing statute, has disabled itself from applying its mind to the facts of each individual case;*

28.6. *The satisfaction of the detaining authority rests on materials which are of rationally probative value, and the detaining authority has given due regard to the matters as per the statutory mandate;*

28.7. ***The satisfaction has been arrived at bearing in mind existence of a live and proximate link between the past conduct of a person and the imperative need to detain him or is based on material which is stale;***

28.8. *The ground(s) for reaching the requisite satisfaction is/are such which an individual, with some degree of rationality and prudence, would consider as connected with the fact and relevant to the subject-matter of the inquiry in respect whereof the satisfaction is to be reached;*

28.9. *The grounds on which the order of preventive detention rests are not vague but are precise, pertinent and relevant which, with sufficient clarity, inform the detenu the satisfaction for the detention, giving him the opportunity to make a suitable representation; and*

28.10. *The timelines, as provided under the law, have been strictly adhered to."*

23. Hence, Hon'ble Apex Court in case of ***Ameena Begum v. State of Telangana (supra)***, on the issue of subjective satisfaction of the detaining authority has laid down that the order based on the requisite satisfaction, albeit subjective, of the detaining authority, for, the absence of such satisfaction as to the existence of a matter of fact or law, upon which validity of the exercise of the power is predicated, would be the *sine qua non* for the exercise of the power not being satisfied. Hon'ble Apex Court further laid down that the court may examine that the satisfaction has been arrived at bearing in mind existence of a live and proximate link between the past conduct of a person and the imperative need to detain or is based on material which is stale.

24. In the present case, ongoing to the ground of detention, which was issued to the detenue, by the detaining authority Respondent No. 2 vide Memo No. 18/PITNDPS-23/2025- 4011 dated 15.10.2025(Anneure-3/1), the sequence of criminal cases registered against the detenue is as follows:

S.N 0.	Dates	Events
1	18.03.2018 06.01.2020 02.03.2021	***In Ramgarh P.S Case No. 100 of 2018 dated 18.03.2018,*** instituted under Section 17/18(b)/21 of N.D.P.S. Act, 1985 for alleged recovery of 02 KG 700 Gram of opium from the petitioner, the petitioner has been convicted vide order dated 06.01.2020 and been sentenced for rigorous imprisonment of 10 years with fine of Rs.1 lac. He has been enlarged on bail by the High Court in Cr. Appeal (D.B.) No. 225 of 2020 vide order dated 02.03.2021.

2	31.05.2024 21.11.2024 02.05.2025	***In Pathalgadda P.S. Case No. 17 of 2024 dated 31.05.2024*** on account of recovery of 2.2 KG of opium from the house of the petitioner a case has been registered under Section 17(B)/18(B)/21(B)/22(B)/25/27/28/29 of N.D.P.S. Act, charge sheet has been submitted on 26.08.2024. The bail application of the petitioner was rejected by the High Court vide order dated 21.11.2024 in B.A No. 7864 of 2024. However, the petitioner has been enlarged on bail by the High Court vide order dated 02.05.2025 in B.A. No. 3481 of 2025 considering the period of custody and the case is pending at District Court, Chatra.
3	20.06.2025	*Sanha* has been lodged against the petitioner by ***Pathalgadda P.S. Sanha No. 20 of 2025 dated 20.06.2025*** alleging that the petitioner is involved in activities relating to sale and purchase of Narcotic substance and he is provoking the young villagers to engage in such activity by giving temptation of money. It has also been stated in the *Sanha* that other criminals are getting associated and therefore, the villagers are neither opposing his activity nor they are giving any information to the police.
4	27.06.2025 16.07.2025	Another, Sanha entry bearing ***Pathalgadda P.S. Sanha No. 19 of 2025 dated 27.06.2025*** has been registered with similar allegation. Further in the order, there is mention of another Sanha entry i.e. ***Pathalgadda P.S Sanha No. 19 of 2025*** which is dated 16.07.2025 with similar allegations.

25. Hence, in the present case, it is not in dispute that in Ramgarh P.S Case No. 100 of 2018 dated 18.03.2018**,** the petitioner was convicted in the offence arising out of NDPS Act for recovery of 2 Kg 700 grams of opium vide order dated 06.01.2020 and was released on bail in Cr. Appeal (D.B.) No. 225 of 2020 vide order dated 02.03.2021.

26. Thereafter, again FIR was registered against the petitioner being Pathalgadda P.S. Case No. 17 of 2024 dated 31.05.2024 on account of recovery of 2.2 Kg of opium, in which his bail application was rejected

on merit on 21.11.2024 and subsequently vide order dated 02.05.2025, the petitioner was directed to be released on bail solely on account of the period of custody.

27. The allegations involved in the present case for the purposes of detention are that the petitioner was provoking the young villagers to engage in dealing with narcotic substance by giving temptation of money and other criminals were also getting associated and therefore the villagers were neither opposing the activity of the petitioner nor they were giving information to the police.

28. Even if the argument of the petitioner is accepted for the sake of arguments that there has been a delay of 2 ½ months between the proposal and the order of detention, this court is of the considered view that in the facts of this case such period cannot be said to have lost 'live and proximate link' between the grounds of detention and the avowed purpose of detention.

29. However, as already held above, there was a delay of 11 days from the date when the proposal was forwarded by Respondent No.4 D.C, Chatra to the detaining authority respondent no. 2 on 27.09.2025, which reached the detaining authority on 03.10.2025 and the detaining authority respondent no.2 passed the order of detention on 14.10.2025 and the petitioner was arrested on 23.10.2025, that is, soon after the order of detention. Thus, also in the aforesaid view of the matter, the judgement of ***Sushanta Kumar Banik (Supra)***, which has been relied upon by the learned counsel for the petitioner does not apply to the facts and circumstances of the present case.

30. Further, the, satisfaction has been arrived by the detaining authority bearing in mind existence of live and proximate link between the past conduct of a petitioner and material which is not stale and is in consonance of the judgment rendered by the Hon'ble Apex Court in the case of ***Ameena Begum v. State of Telangana and others(supra)*.**

31. Learned counsel for the petitioner has pointed out that in the two out of three *sanha* entries, there is certain mismatch with regard to *sanha* number, inasmuch as, two *sanhas* have same number, but different dates. However, the same cannot be a ground to interfere with the order of detention as it is not in dispute that *sanha* was made in connection with the activity of the petitioner that he was provoking the young villagers to engage in sale and purchase of narcotics substance by giving temptation of money and other criminals were getting associated and therefore, the villagers were neither opposing his activity nor they were giving any information to the police.

32. This Court is of the considered view that neither there is any delay on the part of the detaining authority in passing the order of detention so as to snap the 'live & proximate link' between the grounds of detention & the avowed purpose of detention nor there is any unreasonable delay on the part of the executing authority in passing the order of detention of detention which was passed on 14.10.2025, and then detenue/petitioner was arrested on 23.10.2025.

33. Further, as discussed above, the judgment passed by the Hon'ble Supreme Court in the case of ***Sushanta Kumar Banik (Supra),*** is clearly distinguishable on facts of the present case as in ***Sushanta***

Kumar Banik (Supra) there was delay of more than five months in passing the order of detention and such delay was held to have severed the 'live and proximate link' between the grounds of detention and the avowed purpose of detention order and the order of detention was also found to be vitiated on account of suppression of material facts from the competent authority passing the detention order, but, in the present case neither there is any undue delay in passing the detention order by the detaining authority Respondent no.2 nor there is suppression of any material facts in the proposal which was forwarded to the detaining authority.

34. In the present case, the authority concerned while passing the impugned detention order which was passed on 14.10.2025(Annexure-3) has taken into consideration the entire history of accusation against the petitioner and only thereafter has passed the order of detention. Hence, satisfaction has been arrived by the detaining authority bearing in mind existence of live and proximate link between the past conduct of a petitioner and material which is not stale.

Re: Issue No.(iii)

35. Again, coming to the *third* issue i.e. whether the grant of bail to the petitioner in pending cases is ground for his release from the preventive detention passed under section3(1) of the Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988? Learned counsel for the petitioner has submitted that detaining authority while passing the impugned detention order dated 14.10.2025, did not consider that petitioner was enlarged on bail by the court of law

in pending cases and hence, detention order cannot be sustained.

36. This Court finds that two FIRs were registered against the detenue/petitioner being Ramgarh P.S Case No. 100 of 2018 dated 18.03.2018 and Pathalgadda P.S. Case No. 17 of 2024 dated 31.05.2024.

37. In Ramgarh P.S Case No. 100 of 2018 dated 18.03.2018**,** the petitioner was convicted vide order dated 06.01.2020 and sentenced for rigorous imprisonment of 10 years with fine of Rs.1 lac in the offences arising out of NDPS Act. The petitioner was released on bail in Cr. Appeal (D.B.) No. 225 of 2020 vide order dated 02.03.2021.

38. In Pathalgadda P.S. Case No. 17 of 2024 dated 31.05.2024, petitioner has been enlarged on bail by court of law.

39. So far as issue of release of the detenue on bail is concerned, this court finds that it is the subjective satisfaction of the Detaining Authority that in spite of his continuous activities causing threat to maintenance of public order and in such circumstances, based on the relevant materials and satisfying itself, that it would not be possible to control his habituality in continuing the criminal activities by resorting the normal procedures, the Detaining Authority passed an order detaining him under the Act.

40. The ground of bail cannot be said to affect the decision taken by the competent authority of detention, rather the accusation so made in the First Information Report is to be seen for the purpose to have the subjective satisfaction of the nature of accusation made in the said FIR. Since, the detention order is to be passed by the

competent authority anticipating the criminality of the concerned and it would be evident from the accusation made in the ground of detention which was issued to the detenue, by the detaining authority Respondent No. 2 vide Memo No. 18/PITNDPS-23/2025- 4011 dated 15.10.2025(Annexure-3/1).

41. The consideration of coming from judicial custody by virtue of order passed by the court to release on bail has been taken into consideration by the Hon'ble Apex Court in ***D.M Nagaraja Versus Government of Karnataka and others reported in (2011) 10 SCC 215*** wherein detenue had challenged his detention order. The Hon'ble Apex Court in this case had noted in paragraph-17 that the even after release on bail detenue again started indulging in the same type of offences, particularly, threatening the public life, damaging public property, etc. and hence, detenue appeal was dismissed. Further in paragraph-20 of the aforesaid judgment the Hon'ble Apex Court had noted the subjective satisfaction of the detaining authority in passing the detention order against the detenue, for the ready reference Paragraph-17 and 20 of ***D.M. Nagaraja(supra)*** case is quoted herein below -

> *"17. All the abovementioned details which have been correctly stated in the detention order clearly show that the appellant is not amenable to ordinary course of law. It also shows that even after his release on bail from the prison on various occasions, he again started indulging in the same type of offences, particularly, threatening the public life, damaging public property, etc. All these aspects have been meticulously considered by the detaining authority and after finding that in order to maintain public order, since his activities are prejudicial to the public, causing harm and danger, the detaining authority detained him as "goonda"*

under Karnataka Act 12 of 1985 for a period of 12 months and the same was rightly approved by the Advisory Board and the State Government. Inasmuch as the detaining authority has taken note of all the relevant materials and strictly followed all the safeguards as provided in the Act ensuring the liberty of the detenue, we are in entire agreement with the decision of the detaining authority as well as the impugned order of the High Court affirming the same."

xxxxx xxxxxxxx xxxxxxx xxxx xxxx xxxx

20. In the case on hand, we have already extracted criminality, criminal activities starting from the age of 30 and details relating to eleven cases mentioned in the grounds of detention. It is not in dispute that in one case he has been convicted and sentenced to undergo rigorous imprisonment for a term of nine years. He had been acquitted in two cases and four cases are pending against him wherein he was granted bail by the courts. It is the subjective satisfaction of the detaining authority that in spite of his continuous activities causing threat to maintenance of public order, he was getting bail one after another and indulging in the same activities. In such circumstances, based on the relevant materials and satisfying itself, namely, that it would not be possible to control his habituality in continuing the criminal activities by resorting to normal procedure, the detaining authority passed an order detaining him under Act 12 of 1985."

42. From the FIR mentioned in ground of detention issued to the detenue, by the detaining authority Respondent No. 2 vide Memo No. 18/PITNDPS-23/2025- 4011 dated 15.10.2025(Anneure-3/1), this court finds that first FIR was registered against the petitioner for the offence involving NDPS Act, in the year 2018 being Ramgarh P.S Case No. 100 of 2018 dated 18.03.2018**,** wherein detente was convicted by the learned trial Court by order dated 06.01.2020 and sentenced for rigorous imprisonment of 10 years with fine of Rs.1 lac and was

released on bail in Cr. Appeal (D.B.) No. 225 of 2020 vide order dated 02.03.2021.

43. But, even after his conviction in Ramgarh P.S Case No. 100 of 2018, the detenue did not repent and again after six years, detenue was involved in offences relating to NDPS Act wherein 2.2. Kg of opium was recovered from the detenue in the year 2024 for which Ramgarh P.S Case No. 100 of 2018 was registered against the petitioner, which is pending.

44. Thus, from the aforesaid ground of detention issued to detenue/petitioner, it is evident that the petitioner is habitually involved in offences relating to Narcotic Drugs and Psychotropic substance, and further on the basis of subjective satisfaction the detaining authority has arrived in conclusion that in the interest of society, the petitioner must remain in jail so that he cannot disturb public order in any manner and the said observation is according to the ratio led down by the Hon'ble Apex Court in the case of ***D.M Nagaraja Versus Government of Karnataka and others(supra)*** therefore, the said observation of the detaining authority cannot be said to be suffer from an error.

45. This court, therefor, is of view that order of detention dated 14.10.2025 contained in Memo No. 18/PITNDPS-23/2025-3991/Ranchi (Annexure-3), ground of detention issued vide Memo No. 18/PITNDPS-23/2025-4011 dated 15.10.2025 (Annexure-3/1) and Memo No. 18/PITNDPS-23/2025-4929/Ranchi dated 19.12.2025 (Annexure-4) by which the detention order 14.10.2025, has been confirmed, needs no interference.

46. Hence, this writ petition is hereby dismissed.

47. Pending interlocutory application, if any, is also dismissed as not pressed.

I Agree.

(Sujit Narayan Prasad, J.)

(Anubha Rawat Choudhary, J.)

Jharkhand High Court
Date of order/Judgment: 22.04.2026
Rakesh/Pankaj/-
Date of Uploading:22.04.2026
AFR