IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P (Cr.) (DB) No.326 of 2026

Nishar Hassan @ Nishu, aged about 34 years, son of Nadim Hassan, resident of R/o-Plot No.847, South Park, Near T.O.P, Bishtupur, P.O & PS-Bishtupur, Town-Jamshedpur, District-East Singhbhum. **…… Petitioner**

Versus

1. The State of Jharkhand through Chief Secretary having its office at Project Building, PO-Dhurwa, PS-Jagarnathpur, District-Ranchi.
2. Additional Secretary, Department of Home, Prison & Disaster Management, Government of Jharkhand, having its office at Project Bhawan, PO-Dhurwa, PS-Jagarnathpur, District-Ranchi.
3. The District Magistrate-cum-Deputy Commissioner, East Singhbhum, PO & PS-Bistupur, Town-Jamshedpur, District-East Singhbhum.
4. The Senior Superintendent of Police, East Singhbhum, PO & P.S-Sakshi, Town-Jamshedpur, District-East Singhbhum.

…… **Respondents**

CORAM: HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD
HON'BLE MR. JUSTICE SANJAY PRASAD

For the Petitioner : Mr. Pran Pranay, Advocate
For the Resp-State of Jharkhand: Mr. Indranil Bhaduri, SC-IV
Mr. Suman Marandi, AC to SC-IV

C.A.V on 24.08.2026 **Pronounced on 01/09/2026**

Per Sujit Narayan Prasad, J.

1. The present amended writ petition has been filed under Article 226 of the Constitution of India for the following reliefs:

> *"(i) For issuance of an appropriate writ in the nature of certiorari for quashing the Order dated 07.10.2025 contained in Memo No. 622(A) (Annexure-2) passed by the District Magistrate -cum- Deputy Commissioner, East Singhbhum (respondent No.3) whereby and whereunder, the petitioner was put under preventive detention in terms of Section 12(1) & 12(2) of Jharkhand Control of Crimes Act, 2002; and further passed an order dated 19.12.2025 contained in Memo No. 818(A) (Annexure-3) passed by the District Magistrate -cum- Deputy Commissioner, East Singhbhum (respondent No.3) whereby and whereunder, directing the continued detention of the petitioner under Section 12(1) & (2) of the Jharkhand Control of Crimes Act for another three-month period and further passed an order dated 19.03.2026 contained in Memo No. 219(A) (Annexure-4)*

passed by the District Magistrate -cum-Deputy Commissioner, East Singhbhum (respondent No.3) whereby and whereunder, directing the continued detention of the petitioner under Section 12(1) & (2) of the Jharkhand Control of Crimes Act for another three-month period and further passed on order dated 25.06.2026 contained in Memo No. 478(A) (Annexure-5) passed by the District Magistrate -Cum- Deputy Commissioner, East Singhbhum, (Respondent No. 3), whereby and whereunder, directing the continued detention of the petitioner under Section 12(1) & 12(2) of Jharkhand Control of Crimes Act, 2002, for further three months dated 07.07.2026 to 06.10.2026..

(ii) For issuance of a writ in the nature of certiorari for quashing of order dated 15.10.2025 (Annexure-6) passed by the Additional Secretary, Department of Home, Prisons and Disaster Management, Government of Jharkhand (respondent No.2) whereby and whereunder the order of preventive detention passed u/s 12 of the Jharkhand Control of Crimes Act, 2002 dated 26.09.2025 has been confirmed by the respondent No.2 on behalf of the State Government. Further, passed an order dated 24.12.2025 (Annexure-7) whereby and whereunder the order of preventive detention has been further confirmed for additional three months i.e; from 07.01.2026 to 06.04.2026 under Section 12(2) of the Jharkhand Control of Crimes Act, 2002. Further, passed an order dated 26.03.2026 (Annexure-8) whereby and whereunder the order of preventive detention has been further confirmed for additional three months i.e; from 07.04.2026 to 06.07.2026 under Section 12(2) of the Jharkhand Control of Crimes Act, 2002 and further passed on order dated 02.07.2026 (Annexure-9) passed by Additional Secretory, Department of Home, Prison & Disaster Management, Government of Jharkhand (Respondent No. 2), whereby and whereunder the order of preventative detention passed u/s 12 of the Jharkhand Control of Crimes Act, 2002, has been confirmed.

(iii) Upon quashing the aforesaid orders passed under Jharkhand Control of Crimes Act, 2002, the petitioner may be directed to be released immediately in terms of provisions of law;

AND

(iv) For issuance of any other appropriate writ(s) or direction(s) or order(s) as Your Lordships may deem fit and proper in view of the facts and circumstances of the case for doing conscionable justice to the Petitioner."

Factual Aspect:

2. The factual aspect which has been pleaded in the writ petition are as follows:

i. The Deputy Superintendent of Police, East Singhbhum vide letter dated 25.09.2025 made a recommendation to Senior Superintendent of Police, East Singhbhum, Jamshedpur, stating that altogether ten *sanhas* have been registered against the petitioner and is indulged in criminal activities and petitioner is an anti-social element and he has threatened business persons to pay *rangdari* and it was apprehended that if the petitioner will be released on bail, he would be a threat to the public and in the interest of maintaining peace and public order, the petitioner be detained under Section 12 (1) & (2) of Jharkhand Control of Crimes Act,2202 (herein after to be referred as Act of 2002).

ii. That pursuant to the aforesaid recommendation made by Deputy Superintendent of Police, East Singhbhum, the Senior Superintendent of Police, East Singhbhum, Jamshedpur vide Memo No. 1294/DCB letter dated 26.09.2025 addressed to the District Magistrate-cum-Deputy Commissioner, East Singhbhum, Jamshedpur (respondent no.3) made a further recommendation stating therein that since the petitioner is an anti-social element and he may cause disruption to peace and public order, as such, petitioner be detained in the interest of maintaining public peace for three months.

iii. The District Magistrate-cum-Deputy Commissioner, East Singhbhum, (respondent No.3) passed an impugned detention order vide memo no. 622(A) dated 07.10.2025, to detain the petitioner under Section 12 (2) of the Jharkhand Control of Crimes Act.

iv. The District Magistrate-cum-Deputy Commissioner, East Singhbhum, Jamshedpur, passed another order vide Memo No.

818(A) dated 19.12.2025, again based on the recommendations made by respondent No.4, ordering the detention of the petitioner under Section 12(1) & (2) of the Jharkhand Control of Crimes Act for a further period of three months.

v. The District Magistrate-cum-Deputy Commissioner, East Singhbhum, Jamshedpur, passed another order vide Memo No. 219(A) dated 19.03.2026, again based on the recommendations made by respondent No.4, ordering the detention of the petitioner under Section 12(1) & (2) of the Jharkhand Control of Crimes Act for a further period of three months.

vi. The District Magistrate-cum-Deputy Commissioner, East Singhbhum, Jamshedpur (respondent No.3) passed an order vide memo no. 478(A) dated 25.06.2026 on the basis of the recommendation of S.S.P. and directed the authorities to detain the petitioner under Section 12 (1) & (2) of the Jharkhand Control of Crimes Act for a period of three months dated 07.07.2026 to 06.10.2026.

vii. The Additional Secretary, Department of Home, Prison & Disaster Management Government of Jharkhand, (respondent No. 2) vide memo no. 367/CCA dated 15.10.2025 (Annexure-6) has confirmed the order of preventive detention dated 07.10.2025, u/s 21(1) and 22 of the Jharkhand Control of Crime Act, 2002 and accordingly, petitioner has been detained for a period of 3 months, i.e. from 07.10.2025 to 06.01.2026.

viii. Thereafter, Additional Secretary, Department of Home, Prison & Disaster Management Government of Jharkhand, confirmed the continued detention of the petitioner from 07.01.2026 to 06.04.2026

(Annexure-7), 07.04.2026 to 06.07.2026 (Annexure-8) and 07.07.2025 to 06.10.2026 (Annexure-9) under u/s 21(1) and 22 of the Jharkhand Control of Crime Act, 2002.

ix. The S.S.P, East Singhbhum, Jamshedpur had given a list of cases based upon which the said order of preventive detention was passed by the respondent No.3 which are:

I. Bodam P.S Case No.39/2024 registered under sections 109(1), 3(5), 61(2) of B.N.S and 27 of the Arms Act;

II. Mango P.S Case No.33/2024 registered under sections 302/120B, 34 IPC and u/s 27 of the Arms Act;

III. Mango P.S Case No.247/2023 registered under sections 302/120B, 34 IPC and u/s 27 of the Arms Act;

IV. Bishtupur P.S Case No.57/2022, registered under sections 387 and 506 IPC;

V. Bishtupur P.S Case No..99 of 2022, registered under sections 25(1-B),26 of Arms Act; and

VI. Sonari P.S Case No.220/2021 registered under sections 307, 34, 120B IPC and section 3/4 of Explosives Substance Act.

x. In all the aforesaid cases the petitioner has been granted regular bail.

3. Being aggrieved with the aforesaid orders of detention, its confirmation and order of extension of the said detention, the present writ petition has been preferred.

Submission on behalf of the writ petitioner:

4. Mr. Pran Pranay, the learned counsel appearing for the petitioner has taken the following grounds in assailing the impugned order:

i. It has been contended that the petitioner is absolutely innocent and an orchestrated attempt has been made by the State authorities to keep the petitioner behind the bars. In the recommendation of the Senior Superintendent of Police, East Singhbhum, to pass the detention order and the impugned detention order passed by the District Magistrate-cum-Deputy Commissioner, East Singhbhum, which was thereafter, confirmed by the Respondent No.2-Additional Secretary, Department of Home, Prison and Disaster Management, Government of Jharkhand, there is no independent application of mind with respect to the status of the criminal cases cited in the recommendation dated 12.03.2026, by the Senior Superintendent of Police, East Singhbhum.

ii. It has been contended that in the initial recommendation of Deputy Superintendent of Police dated 26.09.2025, there is reference of altogether six criminal cases being Bodam P.S Case No.39/2024, Mango P.S Case No.33/2024, Mango P.S Case No.247/2023, Bishtupur P.S Case No.57/2022, Bishtupur P.S Case No.99/2022 and Sonari P.S Case No.220/2021, in which the petitioner has been granted regular bail. But without considering the said fact, the impugned detention order has been passed. Hence, there was no application of mind by the detaining authority.

iii. It has been contended that, it is a case where the detaining authority cannot be said to have the subjective satisfaction, rather, in absence of the material having not been perused since

it was not placed before the District Authority, hence, there is lack of subjective satisfaction.

iv. It has been further contended that authorities did not inform and did not provide the petitioner opportunity of his right of representation before passing the impugned orders and hence, there is lack of subjective satisfaction in passing the impugned orders.

v. It is stated that no sufficient ground, as appearing in the order dated 02.07.2026 (Annexure-9), is made out and the same is vitiated, inasmuch as from the initial recommendation of Deputy Superintendent of Police, up to passing of the detention order, there was complete non-verification of facts with regard to the cases pending against the petitioner, and all the orders have been passed without independent application of mind and without recording self-sufficient and self-explanatory reasons.

vi. At no stage did any authority examine whether the said cases were pending in which the petitioner has been granted bail by the competent Court of law. Such mechanical approval, without due verification of material facts, clearly demonstrates mala fide intent, arbitrariness, and high-handedness on the part of the State authorities in passing the impugned orders.

vii. It has been contended that so far as the Station Diary Entries (*Sanhas*) are concerned, it is an admitted case that those have not culminated in any criminal case. Merely entering Station Dairy entry alleging some act cannot be the ground for a detention and if the acts alleged in these entries were cognizable offenses, the

State was legally obligated to file a First Information Report. Therefore, passing of the impugned detention order by the District Magistrate relying on the *sanhas* entries cannot be justified.

viii. It has been contended that mere pendency of criminal cases and *sanhas* cannot be a ground for detention under Section 12(1) & (2) of Jharkhand Control of Crimes Act as that can be dealt with the ordinary criminal law and on this ground alone, detention order is illegal.

ix. It has been contended that the act of the respondents in passing the impugned order under the provisions of section 12(2) of the Jharkhand Control of Crimes Act, 2002 has not taken into consideration as mere registration of police case under several sections, is not sufficient to take away the freedom of the petitioner who is behind the bar since long.

x. It has been contended that according to the provision under section 12(2) of the Jharkhand Control of Crimes Act, 2002, it is mandatory to record the reason in writing for which it is necessary to extend the detention of the detenu and the same is evidentially missing in the present case. As such, the order of detention has been passed without following the due procedure of law.

xi. It has been contended that when the general provisions of law are adequate to address the alleged situation, there was no justification for taking shelter to the extraordinary provisions of Section 12 of Jharkhand Control of Crimes Act, 2002. The State,

instead of availing other lawful remedy, has resorted to the drastic measure of preventive detention, thereby curtailing the personal liberty of the petitioner.

xii. It has further been contended that the impugned order gives absolutely no finding with respect to the petitioner being an anti-social element.

xiii. It has been contended that the petitioner is behind the bars since long and he cannot be termed an anti-social element within the meaning of Section 2(d) of Jharkhand Control of Crimes Act.

xiv. It has been contended that the petitioner was not informed about his right of representation before the detaining authority and the same is a mandate as provided by the Jharkhand Control of Crimes Act,2002.

xv. It has been contended that the petitioner tried to send a representation to the Detaining Authority but the same was refused by the Jail Authorities and it was communicated to him that the same would not be forwarded. This clearly depicts the malicious and biased attitude of the Jail Authorities.

xvi. It has been contended that the grounds for imposing such extraordinary measure of Preventive Detention along with the details must be supplied to the detenu in order to give him a fair chance for his defense by way of representation as guaranteed by Article 22(5) of the Constitution of India.

xvii. It has been contended that he petitioner in the instant case was not supplied with the copies of the Letters or Memos forwarded

by the SSP, East Singhbhum. The petitioner was only handed over the copy of the Order passed by the District Magistrate and the copy of the order confirming the Preventive Detention issued from the office of the Additional Secretary, Department of Home, Prisons and Disaster Management, Government of Jharkhand.

xviii. It has been contended that the petitioner was produced before the Advisory Board on after a lapse of 21 days, i.e ,17.11.2025 which again is de-hors the provision of law under the Jharkhand Control of Crimes Act, 2002 which clearly mandates that the exercise be done within a period of 21 days (3) weeks).

5. The learned counsel appearing for the petitioner, based upon the aforesaid grounds, has submitted that the impugned orders dated 07.10.2025, 19.12.2025 and 19.03.2026 as well as the order confirming the same dated 15.10.2025, 24.12.2025 and 26.03.2026 are liable to be quashed and set aside, therefore, needs interference by this Court.

Submission on behalf of the Respondent-State:

6. Per contra, Indranil Bhaduri, the learned State counsel appearing for the respondent-State to defend the impugned order has raised the following grounds:

i. It has been contended that the impugned detention order is issued under the provision of section 12(2) of Jharkhand Control of Crimes Act, 2002 as the petitioner is a notorious criminal having many criminal antecedents of serious nature. The petitioner is a notorious criminal and

his main profession is to collect extortion money from traders, contractors, builder and not only that he extorts people of the locality under fear of life and several cases under Arms Act, murder, extortion etc. due to his criminal activity have been registered against him and, as such, the present writ petition is not maintainable in the law as well as on facts.

ii. It has been contended that prior to issuance of detention order the petitioner has been given reasonable opportunity to defend himself and, as such, the orders impugned are in accordance with law which requires no interference.

iii. It has been contended that the petitioner is habitual offender and six cases which have been instituted against him in different police stations under different Sections of Arms Act and BNS and a number of *sanhas* are also there against the petitioner. As per the intelligence input received, the petitioner is having deep root in organized crime and in connivance with his other associates of his gang and on his instructions, his associates used to collect extortion from the local people, transporters and businessman though the petitioner is in judicial custody. As such, the orders of extension of detention have been passed and further there is strong possibility of conviction of the petitioner in the said cases.

iv. It has further been contended that there is possibility that when the petitioner comes out from the judicial custody he may involve in the illegal and unlawful activity with his

associates, since, he has been history of antecedent, thus, the detention order is fully justified in order to maintain public order within the district concerned.

v. It has been contended that so far as granting bail to the detenue is concerned, it is submitted that it is the subjective satisfaction of the Detaining Authority that in spite of his continuous activities causing threat to maintenance of public order, the detenu was getting bail one after another and indulging in the same activities. In such circumstances, based on the relevant materials and satisfying itself, it would not be possible to control his habituality in continuing the criminal activities by resorting the normal procedures, the Detaining Authority passed the detention order against him as per the law laid down by the Hon'ble Apex Court in the case of ***"D.M. Nagaraja Vs. The State of Karnataka & Ors."*** reported in ***(2011) 10 SCC 215***.

vi. It has been contended that it was necessary to extend preventive detention of petitioner in order to control organized crime in the locality.

7. The learned State counsel, based upon the aforesaid grounds, has submitted that the impugned orders, thus, need no interference and the present writ petition is fit to be dismissed.

Analysis:

8. We have heard the learned counsel appearing for the parties and gone through the pleadings made in the writ petition along with the relevant documents annexed therewith.

9. In the backdrop of the aforesaid factual aspect the following issues require consideration herein:

i. *Whether the criminal activities of petitioner come under the purview of definition of ''Anti-social Elements'' as defined under section 2(d) of the Jharkhand Control of Crimes Act, 2002?*

ii. *Whether in the facts and circumstances of the present case, can it be said that the authorities have got the subjective satisfaction while passing the order of detention?*

iii. *Whether grant of bail to the detenue/petitioner in the cases lodged against him is ground for his release from the preventive detention passed under 12(2) of the Jharkhand Control of Crimes Act, 2002?*

Re: issue no.(i):

10. The issue no. (i) is whether the criminal activities of petitioner come under the purview of definition of "Anti-social Elements'' as defined under section 2(d) of the Jharkhand Control of Crimes Act, 2002?

11. But, before considering the first issue, the statutory provision as contained under the Jharkhand Control of Crimes Act,2002 needs to be referred herein.

12. The relevant provisions which require consideration herein are Section 2(d) and Section 12 of the Jharkhand Control of Crimes, 2002, (referred herein as Act of 2002).

13. "Anti-social Element" has been defined in section 2(d) of the Act of 2002, which reads hereunder as: -

"2(d) Anti-social element" means a person who-

(i) either by himself or as a member of or leader of a gang habitually commits or attempts to commit or abets the commission of offences punishable under Chapter XVI or Chapter XVII of the Indian Penal Code;or

(ii) habitually commits or abets the commission of offences under the Suppression of Immoral Traffic in Women and Girls Act, 1956; or

(iii) who by words or otherwise promotes or attempts to promote, on grounds of religion, race, language, caste or community or any other grounds whatsoever, feelings of enmity or hatred between different religions, racial or language groups or castes or communities; or

(iv) has been found habitually passing indecent remarks to, or teasing women or girls; or

(v)who has been convicted of an offence under sections 25,26, 27, 28 or 29 of the Arms Act of 1959."

14. From perusal of Section 2(d) of the Act of 2002, it is evident that "anti-social element" is a person who habitually commits or abets offenses listed in Chapters XVI or XVII of the Indian Penal Code, or certain other specific crimes. It needs to refer herein that this definition requires a pattern of behaviour, not isolated incidents, and aims to identify individuals whose acts cause alarm or terror among the public, warranting preventive detention to maintain public order.

15. It requires to refer herein that the Act of 2002 was meant to make special provisions for the control and suppression of anti-social elements with a view to maintenance of public order. It also needs to refer herein that the "Law and Order" problems typically affect only individuals or small groups, whereas "public order" disruptions affect the community's normal functioning on a broader scale often generating fear or anxiety among the general public.

16. It is pertinent to mention herein that the primary element with respect to Section 2(d)(i) of the Act of 2002 seems to be the word "habitual". It would thus mean that a person who is frequently engaged in committing or attempting or abating commission of an offence in terms of

Chapter XVI or Chapter XVII of the Indian Penal Code would be an anti-social element. In this context, we may refer to the case of ***Vijay Narayan Singh Vs. State of Bihar*** reported in ***(1984) 3 SCC 14*** wherein the word "habitually" has been sought to be enumerated in the following manner:

> *"31. It is seen from Section 12 of the Act that it makes provision for the detention of an anti-social element. If a person is not an antisocial element, he cannot be detained under the Act. The detaining authority should, therefore, be satisfied that the person against whom an order is made under Section 12 of the Act is an anti-social element as defined in Section 2(d) of the Act. Sub-clauses (ii), (iii) and (v) of Section 2(d) of the Act which are not quite relevant for the purposes of this case may be omitted from consideration for the present. The two other sub-clauses which need to be examined closely are sub clauses (i) and (iv) of Section 2(d). Under sub-clause (i) of Section 2(d) of the Act, a person who either by himself or as a member of or leader of a gang habitually commits or attempts to commit or abets the commission of offences punishable under Chapter XVI dealing with offences affecting the human body or Chapter XVII dealing with offences against property, of the Penal Code, 1860 is considered to be an anti-social element. Under subclause (iv) of Section 2(d) of the Act, a person who has been habitually passing indecent remarks to, or teasing women or girls, is an anti-social element. In both these sub clauses, the word "habitually" is used. The expression "habitually" means "repeatedly" or "persistently". It implies a thread of continuity stringing together similar repetitive acts. Repeated, persistent and similar, but not isolated, individual and dissimilar acts are necessary to justify an inference of habit. It connotes frequent commission of acts or omissions of the same kind referred to in each of the said sub clauses or an aggregate of similar acts or omissions. This appears to be clear from the use of the word "habitually" separately in subclause (i), sub-clause (ii) and sub- clause (iv) of Section 2(d) and not in sub clauses (iii) and (v) of Section 2(d). If the State Legislature had intended that a commission of two or more acts or omissions referred to in any of the sub- clauses (i) to (v) of Section 2(d) was sufficient*

> *to make a person an "anti-social element", the definition would have run as "Anti-social element" means "a person who habitually is. ..". As Section 2(d) of the Act now stands, whereas under sub-clause (iii) or sub-clause (v) of Section 2(d) a single act or omission referred to in them may be enough to treat the person concerned as an 'antisocial element', in the case of sub-clause (i), sub-clause (ii) or sub-clause (iv), there should be a repetition of acts or omissions of the same kind referred to in sub-clause (i), subclause (ii) or in sub-clause (iv) by the person concerned to treat him as an "anti-social element". Commission of an act or omission referred to in one of the sub-clauses (i), (ii) and (iv) and of another act or omission referred to in any other of the said sub-clauses would not be sufficient to treat a person as an "anti-social element". A single act or omission falling under subclause (i) and a single act or omission falling under sub-clause (iv) of Section 2(d) cannot, therefore, be characterized as a habitual act or omission referred to in either of them. Because the idea of "habit" involves an element of persistence and a tendency to repeat the acts or omissions of the same class or kind, if the acts or omissions in question are not of the same kind or even if they are of the same kind when they are committed with a long interval of time between them they cannot be treated as habitual ones."*

17. Thus, from the aforesaid, it is evident that if a person is not an antisocial element, he cannot be detained under the Act of 2002. The detaining authority should, therefore, be satisfied that the person against whom an order is passed under Section 12 of the Act of o2022 is an anti-social element as defined in Section 2(d) of the Act. Under sub-clause (i) of Section 2(d) of the Act, a person who either by himself or as a member of or leader of a gang habitually commits or attempts to commit or abets the commission of offences punishable under Chapter XVI dealing with offences affecting the human body or Chapter XVII dealing with offences against property, of the Penal Code, 1860 is considered to be an anti-social element. Further the expression "habitually" means "repeatedly" or

"persistently". It implies a thread of continuity stringing together similar repetitive acts. Repeated, persistent and similar, but not isolated, individual and dissimilar acts are necessary to justify an inference of habit.

18. It requires to refer herein that Section 12 of the Act of 2002 contains the word “anti-social” which qualifies the section 12 of Act 2002 for passing the order of detention of any individual or others. Section 12 of the Act is the initiation of the process of detaining a person under the Act, for ready reference the same is being quoted herein, which reads as under-

> *“12. Power to make order detaining certain persons. - The State Government may- (1) if satisfied with respect to any person that with a view to preventing him from acting in any manner prejudicial to the maintenance of public order and there is reason to fear that the activities of anti-social elements cannot be prevented otherwise than by the immediate arrest of such person, make an order directing that such anti-social element be detained.*
>
> *(2) If, having regard to the circumstances prevailing or likely to prevail in any area within the local limits of the jurisdiction of a District Magistrate, the State Government is satisfied that it is necessary so to do, it may by an order in writing direct, that during such period as may be specified in the order, such District Magistrate may also, if satisfied as provided in sub-section (1) exercise the powers conferred upon by the said sub-section:*
>
> *Provided that the period specified in an order made by the State Government under this sub-section shall not, in the first instance exceed three months, but the State Government may, if satisfied as aforesaid that it is necessary so to do, amend such order to extend such period from time to time by any period not exceeding three months at any one time.*
>
> *(3) When any order is made by District Magistrate, he shall forthwith report, the fact to the State Government together with the grounds on which the order has been made and such other particulars as, in his opinion, have a bearing on the matter, and*

no such order shall remain in force for more than 12 days after the making thereof unless, in the meantime, it has been approved by the State Government:

Provided that where under Section 17 the grounds of detention are communicated by the officer making the order after five days but not later than ten days from the date of detention, this sub-section shall apply subject to the modification that, for the words "twelve days", the words "fifteen days" shall be substituted."

19. Thus, from the perusal of Section 12 of the Act of 2002, it is evident that power to make orders detaining certain persons are provided in section 12 of the Jharkhand Control of Crimes Act, 2002. Section 12(1) provides that if State Government is satisfied with respect to any person that with a view to preventing him from acting in any manner prejudicial to the maintenance of public order and there is reason to fear that the activities of anti-social elements cannot be prevented otherwise than by the immediate arrest of such person, make an order directing that such anti-social element be detained.

20. Hence, section 12(1) of the Act empowers the State Government to detain anti-social element if there is reason to fear that the activities of anti-social elements cannot be prevented otherwise than by the immediate arrest of such person. The anti-social element has been defined in Section 2(d) of the Jharkhand Control of Crimes Act, 2002 and section 2(d)(i) of the Act provides that "Anti-social Element" means a person who either by himself or as a member of or leader of gang habitually commits, or attempts to commit or abets the commission of offences punishable under Chapter XVI or Chapter XVII of the Indian Penal Code.

21. In the backdrop of the aforesaid settled position of law this Court is now, dealing with the first issue whether the criminal activities of

petitioner come under the purview of definition of "Anti-social Elements'' as defined under section 2(d) of the Jharkhand Control of Crimes Act, 2002.

22. On going through the impugned detention order dated 07.10.2025 (Annexure-2), this Court finds that six criminal cases and ten cases of *sanhas* are registered in different police stations against the detenue/petitioner as mentioned in the impugned detention order passed by the respondent no.3 District Magistrate-cum- Deputy Commissioner, East Singhbhum, Jamshedpur, on the recommendations made by the Senior Superintendent of Police, East Singhbhum, Jamshedpur vide letter no.1294 dated 26.09.2025 (Anexure-1 series).

23. This Court finds from the impugned initial detention order dated 07.10.2025 (Annexure-2) that the following FIRs and *sanhas* have been registered against the detenue/petitioner in different police stations:

1. Bodam P.S Case No.39/2024 dated 07.12.2024, registered under sections 109(1), 3(5), 61(2) of B.N.S and 27 of the Arms Act;

2. Mango P.S Case No.33/2024 dated 03.02.2024 registered under sections 302/120B, 34 IPC and u/s 27 of the Arms Act;

3. Mango P.S Case No.247/2023 dated 27.08.2023 registered under sections 302/120B, 34 IPC and u/s 27 of the Arms Act;

4. Bishtupur P.S Case No.57/2022, dated 17.03.2022 registered under sections 387 and 506 IPC,

5. Bishtupur P.S Case No.99 of 2022, dated 09.05.2022, registered under sections 25(1-B)A/26 of Arms Act; and

6. Sonari P.S Case No.220/2021 dated 23.12.2021 registered under sections 307, 34, 120B IPC and section 3/4 of Explosives Substance Act.

7. Olidih (Mango) OP PS Sanha No.22/2025, dated 24.08.2025;

8. Olidih (Mango) OP PS Sanha No.46/2025 dated 28.08.2025;

9. Sitaramdera PS Sanha No.21/25, dated 21.08.2025;
10. Sitaramdera PS Sanha No.28/25, dated 26.08.2025;
11. Bishtupur P.S Sanha No.43/25, dated 28.08.2025;
12. Bishtupur P.S Sanha No.50/25, dated 01.09.2025;
13. Azadnagar PS Sanha No.24/25, dated 11.08.2025;
14. Azadnagar PS Sanha No.18/25, dated 18.08.2025;
15. Mango PS Sanha No.24/25, dated 24.08.2025; and
16. Mango PS Sanha No.18/25, dated 26.08.2025

24. Hence, from the FIRs and *sanhas* mentioned in the impugned detention order dated 07.10.2025 (Annexure-2), this Court finds that six FIRs were registered against the detenue/petitioner in addition to 10 *sanhas* in different police stations in the district of Jamshedpur.

25. But, on perusal of the six pending cases registered against the detenue/petitioner, as mentioned in the impugned detention order dated 07.10.2025 (Annexure-2), it is apparent that the crime committed by the detenue/petitioner ranges to murder, attempt to murder, extortion etc. and cases under Arms Act and Explosives Substance Act have been registered against the petitioner.

26. Hence, this Court is of the view that detenue/petitioner is a habitual offender. Detenue/petitioner habitually commits offences punishable under section Chapter XVI or Chapter XVII of the Indian Penal Code as defined in section 2(d)(i) of the Act.

27. Further, the detaining authority respondent no.3, while passing the impugned detention order 07.10.2025 (Annexure-2), under section 12(2) of the Act of 2002, was satisfied that the detention of the petitioner was necessary as continuous criminal activities of the petitioner was causing threat to maintenance of public order.

28. This Court, on consideration of the aforesaid factual aspect, is of the view that the authority concerned has rightly considered that the act of the detenue/petitioner comes under the purview of the "Anti-social Elements'' as stipulated under Section 2(d) of the Jharkhand Control of Crimes Act, 2002. This Court, therefore, is of the view that the orders of detention on this score need no interference.

29. Accordingly issue no. (i) is hereby answered.

Re: issue no. (ii):

30. Regarding this issue, i.e., whether in the facts and circumstances of the present case, can it be said that the authorities have got the subjective satisfaction while passing the order of detention?

31. Learned counsel for the detenue/petitioner has submitted that out of the six FIR registered against the petitioner, petitioner has been enlarged on bail in all cases. But these materials were not placed before the detaining authority and, hence, it cannot be said that detaining authority had subjective satisfaction before passing the impugned detention order.

32. 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."*

33. Hence, the 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.

34. In the present case, ongoing to the impugned detention orders, passed by the detaining authority Respondent No. 3 vide Memo No. 622(A) dated 07.10.2025 (Annexure-2), the sequence of criminal cases registered against the detenue are as follows:

1. Bodam P.S Case No.39/2024 dated 07.12.2024, registered under sections 109(1), 3(5), 61(2) of B.N.S and 27 of the Arms Act;

2. Mango P.S Case No.33/2024 dated 03.02.2024 registered under sections 302/120B, 34 IPC and u/s 27 of the Arms Act;

3. Mango P.S Case No.247/2023 dated 27.08.2023 registered under sections 302/120B, 34 IPC and u/s 27 of the Arms Act;

4. Bishtupur P.S Case No.57/2022, dated 17.03.2022 registered under sections 387 and 506 IPC,

5. Bishtupur P.S Case No..99 of 2022, dated 09.05.2022, registered under sections 25(1-B) A/26 of Arms Act; and

6. Sonari P.S Case No.220/2021 dated 23.12.2021 registered under sections 307, 34, 120B IPC and section 3/4 of Explosives Substance Act.

35. In the present case, it is not in dispute that in the aforesaid criminal cases registered against the detenue/petitioner in different police station of district of East Singhbhum, he has been enlarged on bail but it is also not in dispute that in all the aforesaid criminal cases the trial is going on.

36. On going through the impugned detention order, passed by the detaining authority Respondent No. 3 vide Memo No. 622(A) dated 07.10.2025 (Annexure-2), this Court finds that while passing the impugned detention order, the detaining authority respondent no.3 had considered the proposal of respondent no.4-Senior Superintendent of Police, East Singhbhum, which was sent to the detaining authority Respondent No. 3 vide memo no. 1294 dated 26.09.2025 (Annexure-1 series).

37. In the impugned detention order, the detaining authority respondent no.3 had taken note of the proposal of the Senior Superintendent of Police, East Singhbhum, that the detenue/petitioner is an antisocial notorious criminal, allegedly involved in offences of extortion, murder, kidnapping and offences involving Arms Act and detenue had been to jail for several times and out of fear nobody comes forward to depose against him in the Court, during the trial. The detenue/ petitioner is in jail and from jail, he was preparing notorious gang and for this petitioner was recruiting new boys and from jail, with aid of his henchman, he was extorting money from businessman and builder of the area and there was an atmosphere of fear among the public.

38. It has also been brought on record by the authorities that Bodam P.S Case No.39/2024 dated 07.12.2024, registered under sections 109(1), 3(5), 61(2) of B.N.S and 27 of the Arms Act, was orchestrated by the detenue/petitioner from aboard, consequently, the Ministry of Home Affairs, Government of India, cancelled his Visa and issued a Look Out Circular. He was subsequently arrested at Indira Gandhi International Airport, New Delhi, on 20.05. 2025, and sent to jail.

39. Further, this Court has gone through ten *Sanhas* registered against the detenue/petitioner mentioned in the impugned detention order and finds that the respondent-authority has also taken into consideration the fact that after receiving news of his release from jail, atmosphere of fear and resentment has been created among the businessmen and contractors of the area, giving rise to a likelihood of disturbance of law and order and public order.

40. Hence, releasing on bail of the detenue/petitioner in six criminal cases registered against him, does not dilute the crimes committed by the detenue/petitioner and hence, it cannot be said that detaining authority had no subjective satisfaction, while passing the impugned detention order.

41. In the present case, the factual aspect as has been dealt with hereinabove while deciding the issue, this Court is of view that the detaining authority has taken into consideration the fact in entirety which shows the subjective satisfaction based upon the document as found to be available with the recommending authority which has been accepted by the detaining authority.

42. In the present case, the authority concerned while passing the impugned detention order which was passed on 07.10.2025(Annexure-2)

has taken into consideration the entire history of accusation against the petitioner and only thereafter has passed the order of detention.

43. Hence, the satisfaction has been arrived by the detaining authority bearing in mind existence of live and proximate link between the past conduct of the detenue/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)*.**

44. Accordingly issue no. (ii) is hereby answered.

Re: issue no.(iii):

45. Regarding this issue, i.e., whether grant of bail to the detenue/petitioner in the criminal cases registered against him is ground for his release from the prevention detention passed under 12(2) of the Jharkhand Control of Crimes Act, 2002?

46. Learned counsel for the petitioner has submitted that detenue/petitioner has been enlarged on bail in all the criminal cases lodged against him and the said cases were relied by the detaining authority while passing the impugned order of detention dated 07.10.2025 (Annexure-2) and hence, detention order cannot be sustained.

47. This Court finds that in the impugned detention order dated 07.10.2025 (Annexure-2), there is reference of six criminal cases registered against the detenue/petitioner and ten numbers of *sanahas*.

48. In the aforesaid context, ongoing through the writ petition, this Court finds that out of six criminal cases registered against detenue/petitioner, he has been enlarged on bail in all the aforesaid cases and the cases are pending for trial.

49. Hence, so far as enlargement on bail of the detenue/petitioner in pending criminal cases registered against him 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 had passed an order detaining him under the Jharkhand Control of Crimes Act, 2002.

50. Further, enlargement on bail of the detenue/petitioner, 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 impugned detention order dated 07.10.2025 (Annexure-2), passed by the Respondent No.3-Deputy Commissioner-cum-District Magistrate, East Singhbhum,

51. 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 the detenue had challenged his detention order. The Hon'ble Apex Court in that case had noted in paragraph-17 that the even after release on bail the detenue again started indulging in the same type of offences, particularly, threatening the public life, damaging public property, etc. and

hence, the detenue's 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 ready reference Paragraph-17 and 20 of ***D.M Nagaraja Versus Government of Karnataka and others (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 xxxxxx xxxxxx xxxxx xxxxx xxxxx*
>
> *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."

52. In the present case, from the impugned detention order dated 07.10.2025 (Annexure-2), it is apparent that crime committed by the detenue/petitioner ranges to murder, attempt to murder, extortion, and offences under Arms Act and Explosive Substance Act have also been registered against the petitioner. In addition to that, it has been reported that the petitioner orchestrated the incident of firing and other criminal activities while residing abroad; consequently, the Ministry of Home Affairs, Government of India, cancelled his Visa and issued a Look Out Circular. He was subsequently arrested at Indira Gandhi International Airport, New Delhi, on 20.05.2025, and sent to jail.

53. The detenue/petitioner has also provided tabular chart in his writ petition, wherein detenue/ petitioner has shown a list of criminal cases registered against him and on perusal, it appears that six cases are still pending against him and all the six cases were registered against the detenue/petitioner in the year 2021,2022,2023 and 2024, one after another, but, the detenue/ petitioner did not remorse his criminality.

54. Even, from the recommendation of the respondent no. 4-Senior Superintendent of Police, East Singhbhum, and various *Sanahas* registered against the detenue/petitioner, it is apparent that the detenue/petitioner while confined in jail has made an organized gang and uses his henchmen to commit extortion of money from businessmen, contractor in the area of Jamshedpur and out of fear nobody comes forward to register cases against the detenue/petitioner.

55. The authority concerned while passing the impugned detention order on 07.10.2025 (Annexure-2), has taken into consideration the entire history of accusation against the petitioner and only thereafter has passed the order of detention.

56. Thus, from the impugned detention order dated 07.10.2025 (Annexure-2), it is evident that the detenue/petitioner is habitually involved in offences which ranges from attempt to murder, extortion, offences of organized crime etc. and several cases under Arms Act and Explosives Substance Act have also been registered against the detenue/petitioner and further on the basis of subjective satisfaction, the detaining authority has arrived to conclusion that the well-organized manner in which such pre-judicial activities have been carried on and nexus between dates of incidents and passing of the detention order and the said observation is according to the ratio laid 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 suffer from an error.

57. Accordingly, Issue No.(iii) is hereby answered.

58. Learned counsel for the detenue/petitioner has also taken the point that the authorities concerned did not inform him the grounds of detention as such the vital right has been denied to him.

59. In order to verify the aforesaid contention, this Court has gone through the impugned detention order wherefrom it is evident that the impugned order contained in Memo No. 622(A) dated 07.10.2025 (Annexure-2) the copy of the detention order has been served to the detenue/ petitioner as finds mention in the last page of the impugned order

of detention and the petitioner in his writ petition has also admitted that he was handed over the copy of the order passed by the District Magistrate(i.e. the detaining authority).

60. Further, ongoing through the writ petition, this Court finds that the detenue/petitioner in his pleading has not pleaded any specific material facts as to not communicating the ground of detention to him, rather it has been said that the petitioner tried to send a representation to the Detaining Authority but the same was refused by the Jail Authorities and it was communicated to him that the same would not be forwarded. But in this regard, the petitioner has failed to produce any documentary evidence which was communicated to him by the concerned Jail Authority.

61. Hence, this Court is of view that the detenue/petitioner has failed to prove, by any cogent evidence, that he was not communicated the ground of detention and only bald allegation has been levelled against the authorities concerned.

62. This Court, on the basis of the discussion made hereinabove, is of the view that the orders of detention need no interference.

63. Accordingly, the detention order dated 07.10.2025 (Annexure-2) which was extended time to time vide order dated 19.12.2025 (Annexure-3), order dated 19.03.2026 (Annexure-4) and order dated 25.06.2026 (Annexure-5) passed by the respondent no.3 and the order dated 15.10.2025 (Annexure-6) confirming the detention order dated 07.10.2025 (Annexure-2), order dated 24.12.2025 (Annexure-7) confirming the extension order dated 19.12.2025(Annexure-3), order dated 26.03.2026 (Annexure-8) confirming the extension order dated 19.03.2026 (Annexure-4) and order dated 02.07.2026 (Annexure-9)

confirming the extension order dated 25.06.2026 (Annexure-5) passed by the respondent no.2-Additional Secretary, Department of Home, Prison and Disaster Management, Government of Jharkhand, requires no interference by this Court.

64. Consequent thereto, the instant writ petition stands dismissed.

65. Pending I.As, if any, stands disposed of.

(Sujit Narayan Prasad, J.)

I Agree.

(Sanjay Prasad, J.)

(Sanjay Prasad, J.)

Sudhir
Dated: 01/09/2026.
Jharkhand High Court, Ranchi
AFR

Uploaded on 03/09/2026.