IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P. (Cr.) (DB) No.545 of 2026

Rohit Singh, aged about 36 years, son of Late Bir Bahadur Singh, resident of Diaguttu, Near Bara Hanuman Mandir, Mango, P.S. and P.O-Mango, District-East Singhbhum, Jamshedpur, Jharkhand

... ... Petitioner

Versus

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

... ... Respondents

CORAM: HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD
HON'BLE MR. JUSTICE AKHIL KUMAR

C.A.V. on 03.11.2026 **Pronounced on 04/11/2026**

Per Sujit Narayan Prasad, J.

Prayer

1. The instant application 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 05.05.2026 contained in Memo No. 380(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 20.07.2026 contained in Memo No. 543(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.

ii. For issuance of a writ in the nature of certiorari for quashing of order dated 20.07.2026 (Annexure-3) 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(2) of the Jharkhand Control of Crimes Act, 2002 dated 23.06.2026 has been confirmed by the respondent No.2 on behalf of the State Government. Further, passed an order dated 24.07.2026 (Annexure-5) whereby and whereunder the order of preventive detention has been further confirmed for additional three months i.e; from 05.08.2026 to 04.11.2026 under Section 12(2) of the Jharkhand Control of Crimes Act, 2002.

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;

Factual Matrix

2. The brief facts of the case as per the pleading made in the writ petition, which are required to be enumerated, read as under: -

i. It is the case of the petitioner that the Deputy Superintendent of Police, East Singhbhum, Jamshedpur, vide letter dated 08.04.2026 made a recommendation to Senior Superintendent of Police, East Singhbhum, Jamshedpur, stating that altogether four sanhas have been registered against the petitioner and is indulged in criminal activities and petitioner is an anti-social element 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.

ii. Then pursuant to the aforesaid recommendation made by Deputy Superintendent of Police, East Singhbhum, the Senior Superintendent of Police, East Singhbhum, Jamshedpur vide Memo No. 47/DCB letter dated 18.04.2026 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. Furthermore, the Senior Superintendent of Police, East Singhbhum, Jamshedpur, vide Letter No. 961/DCB dated 20.07.2026, again addressed the District Magistrate-cum-Deputy Commissioner, East Singhbhum, Jamshedpur, informing that the Home, Jail and Disaster Management Department, Ranchi, vide order dated 23.06.2026 through Memo No. 05/CCA/01/15/2026-202/CCA, had extended the petitioner's detention under the Jharkhand Crime Control Act, 2002 (herein referred as Act, 2002), for a further period of three months (from 05.05.2026 to 04.08.2026). In view of this, it was recommended that the detention of the petitioner be continued as he may cause disturbance to public peace and order.

iv. The District Magistrate -cum-Deputy Commissioner, East Singhbhum, Jamshedpur (respondent No.3) passed an order vide memo no. 380(A) dated 05.05.2026 on the basis of the aforesaid recommendation 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.

v. The District Magistrate-cum-Deputy Commissioner, East Singhbhum, Jamshedpur, passed another order vide Memo No. 543(A) dated 20.07.2026, again based on the recommendations made by respondent No.4, ordered 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 Additional Secretary, Department of Home, Prison & Disaster Management, Government of Jharkhand, (respondent No. 2) vide order dated 23.06.2026 has confirmed the order of preventive detention passed u/s 12 of the Jharkhand Control of Crime Act, 2002 dated 05.05.2026 and accordingly, petitioner has been detained for a period of 3 months, i.e. from 05.05.2026 to 04.08.2026.

vii. The Additional Secretary, vide order dated 24.07.2026 confirmed the continued detention of the petitioner for an additional three months, i.e., from 05.08.2026 to 04.11.2026, under Section 12(2) of the Jharkhand Control of Crimes Act, 2002.

viii. 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 is impugned herein.

Submission of the learned counsel appearing for the petitioner:

3. Learned counsel appearing for the petitioner has taken the following grounds in assailing the impugned order:

i. It has been submitted that the impugned detention order issued under the Jharkhand Control of Crimes Act, 2002 by the respondent is illegal and in complete violation of the provisions of the Act and is a clear case of abuse of the process of law.

ii. Learned counsel for the petitioner has submitted that mere pendency of criminal cases and sanhas cannot be a ground for detention order under Sections 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.

iii. It has been submitted that when general provisions of law could suffice the purpose then there is no need of invoking extra ordinary statute, in other words the State could have filed and approached the courts of law for cancellation of bail, however

without doing so the State chose to impose the provisions of section 12 of the Jharkhand Control of Crimes Act, 2002 curtailing the liberties of the Petitioner and awarding him with the extraordinary punishment of preventive detention.

iv. It has further been submitted that the he 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.

v. It has been submitted that the Petitioner was informed of his right of representation by the relative of the Petitioner after due consultation with the lawyer and as such his right of representation as well as his right of being informed that he had a right of representation were curtailed by the Jail Authorities.

vi. Further submission has been made that even after all of this when the Petitioner tried to send a representation to the Detaining Authority 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.

vii. Learned counsel for the petitioner has submitted 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. The detenu i.e. the 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.

viii. Therefore, submission has been made that the order of preventive detention dated 05.05.2026 and 20.07.2026 as well as the order confirming the same dated 23.06.2026 and 24.07.2026 are liable to be quashed and set aside solely on the ground that the representation of the petitioner has till date not been forwarded by the Jail Authorities as well as the order of preventive detention along with the grounds and report of the District Magistrate has

not till date been placed before the Advisory Board within 3 weeks from the date of detention which is de-hors the mandate as envisaged under the provisions of Section 19 of the Jharkhand Control of Crimes Act, 2002.

ix. Furthermore, the order of detention do not reflect any satisfaction as envisaged in proviso to Section 12(2) of the Jharkhand Control of Crimes Act and this renders the impugned order bad in law.

x. Learned counsel for the petitioner has submitted that mere pendency of criminal cases cannot be a ground for detention order under Section 12(3) of Jharkhand Control of Crimes Act.

xi. It has been submitted that the Respondent authorities cannot detain the petitioner in the garb of maintaining 'public order' and can take away the petitioner's Fundamental Rights entirely on false apprehensions without any iota of evidence of any kind whatsoever or even without establishing prima facie any imminent threat to public order. The Respondent authorities have acted arbitrarily, in complete malafide and highhandedness in an attempt to deprive the petitioner of his right to freedom of life enshrined under Article 21 of the Constitution of India.

4. Learned counsel, based upon the aforesaid grounds, has submitted that the order of detention, therefore, suffers from error and hence not sustainable in the eye of law.

Submission made by the learned counsel for the State

5. On the other hand, learned counsel for the State has defended the order of detention taking the following grounds:

i. It has been submitted that the petitioner has been duly provided with the information regarding his representation and detention order by the authorities. However, the Supreme Court in ***K.M. Abdulla Kunhì & B.L. Abdul Khaderversus, (1991)1 SCC 476 (CB)*** wherein it has clearly been held that the authority has no constitutional duty to consider the representation made by the detenue before the order of confirmation of the detention order. There is no constitutional mandate under clause (5) Article 22, much less any statutory requirement to consider representation before confirming the order of the detention.

ii. It has been submitted that the preventive detention order has not been passed mechanically rather after perusing the records revealing the criminal activities and satisfying himself with this anticipation that the petitioner's detention is

essential since he is detrimental to the public order and tranquility in the society. The said order has been passed in view of many decisions of the Hon'ble Supreme Court.

iii. It has been submitted that recommendations by the Dy. S.P., Jamshedpur to Sr. S.P. Jamshedpur vide letter no. 504/HQ, dated-08.04.2026 and by him to the District Magistrate-cum-Deputy Commissioner, East Singhbhum, Jamshedpur vide Memo No. 471/DCB and letter No. 961/DCB, dated 18.04.2026 and 10.07.2026 respectively, who to passed the detention order u/s 12 (1) (2) Jharkhand Crime of Control of Act.2022. The recommendations were made by the police on the basis of continuous criminal activities of the petitioner and likelihood of his involvement in such acts prejudicial to the public order, peace and tranquility in the society at large.

iv. It has also been recommended that the crimes committed by the petitioner comes under the chapter XVI and XVII of IPC and the petitioner comes under the category of anti-social element defined in Section 2 (d) of the Act 2002. The District Magistrate was satisfied with the recommendations of the police officials and after applying his

judicious mind passed the detention order against the petitioner under the Act. Similarly, the Respondent No.2 being satisfied with materials against the petitioner, confirmed the order of preventive detention vide Memo No. 05/CCA/01/15/2026-202/CCA. The said order is legally sustainable and the petition filed by the petitioner is liable to be dismissed.

v. It has further been submitted that the detention order u/s 12 (1) & (2) of Jharkhand control of crimes Act has not been passed against the petitioner on the basis of only pendency of criminal cases and Sanhas against him rather he is continuing to commit heinous crimes even after being released on bail.

vi. It has further been submitted that the petitioner has been found to be involved in 05 cases i.e. (i) Mango P.S. Case No.124/2018, u/s-302/120 (B)/34 IPC and 27 Arms Act. (ii) Mango P.S. Case No.185/2022,u/s323/324/325/326/307/364/364 A/379/34 u/s-IPC. (iii) Mango P.S. Case No. 186/2024,u/s-17(a), 21(a), 22(a), 29 of NDPS Act. (iv) Mango P.S. Case No.136/2025,u/s-17(a), 21(a), 22(a), 29 of NDPS Act. (v) Mango P.S. Case No.20/2026, u/s-17 (a), 21(a), 22(a), 29 of NDPS

Act. Total 5 cases were lodged and 4 Sanhas have also been entered into the station diary of the Police stations. These cases are related to commit murder by firing by fire arms and kidnapping for murder etc. and 3 cases of NDPS Act. As such the petitioner has been committing heinous offence continuously after being released on Bail and it has got a panicky and alarming effects in the locality. He is a drug menace the society. The people at large are feeling insecure during their day-to-day life.

vii. It is further submitted that the bail granted to the petitioner has nothing to do with the criminal activities of the petitioner in the future as he has mentioned in paragraph 12 of writ petition that he has been granted bail in those 5 cases. The detaining authority has formed his opinion on the basis of his past criminal activities, being indulged in similar nature of heinous crime after being released on bail. Even after being release on bail, he could not deter himself in committing the crime of firing at public places etc. and so the detaining authority passed the preventive detention order under the Act.

viii. Learned counsel for the respondent has further submitted that the detaining authorities after

finding that in order to maintain public order, since his activities are prejudicial to the public causing harm and danger, the detaining authorities detained him which was rightly approved by the advisory board and the State Government. In as much as the detaining authorities have taken note of all the related materials and strictly followed all the safeguards as provided in the act. In a catena of judgments, the Hon'ble court has held that it is the subjective satisfaction Detaining Authority whether a person has to be detained for a particular period of time not.

ix. It is well settled law that the question is whether a particular person is disposed to commit the prejudicial acts the duty of deciding this question is thrown upon the state. The justification is suspicion or reasonable probability and not criminal charge which can only be warranted by legal evidence. The anticipated behaviour of the petitioner has been assessed on his past conduct in the light of surrounding circumstances against the petitioner and the potentiality of the criminal act of the petitioner. Thus, the grounds for detention of the petitioner have been found to be decisive for the maintenance of the public order.

6. Learned counsel appearing for the State, based upon the aforesaid grounds, has submitted that it is, therefore, not a case where the order of detention is said to suffer from an error.

Analysis

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

8. The issues which require consideration herein are-

i. *Whether the representation submitted by the petitioner was not forwarded by the jail authorities to the Government and, if so, whether the failure on the part of the jail authorities amounted to mala fide action, resulting in non-consideration of the petitioner's representation by the Government?*

ii. *Whether grant of bail to the petitioner in pending cases and subsequent submission of charge-sheet in the aforesaid cases, is ground for his release from the preventive detention passed by the authority concerned under Section 12(2) of the Jharkhand Control of Crimes Act, 2002?*

iii. *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?*

iv. 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?

Re: Issue No. (i)

9. The issue no.(i) i.e. whether the representation submitted by the petitioner was not forwarded by the jail authorities to the Government and, if so, whether the failure on the part of the jail authorities amounted to mala fide action, resulting in non-consideration of the petitioner's representation by the Government?

10. In this regard learned counsel for the petitioner has submitted that petitioner was not informed about his right of representation, and when petitioner was informed of his right of representation by the relative of the petitioner after due consultation with the lawyer, then, petitioner tried to send 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, which, clearly depicts the malicious and biased attitude of the Jail Authorities.

11. Hence, contention has been raised by the learned counsel for the petitioner that the representation submitted by the petitioner was not forwarded by the jail authorities to the concerned authority and, as a result

thereof, the Government did not decide his representation.

12. Therefore, it becomes incumbent upon this Court to examine and appreciate the aforesaid contention of the petitioner on the basis of the material available on record and in light of the settled statutory provisions governing such matters.

13. At this juncture, Section 17 of the Jharkhand Control of Crimes, 2002 needs to be referred herein. Section 17 of the Act, 2002 inter alia provides that ground of orders of detention to be disclosed and opportunity of making a representation against the order to the State Government shall be given to the person affected by the order. Section 17 of the Act, 2002 reads as under-

> ***17. Grounds of order of detention to be disclosed to person affected by the order.*** *- (1) When a person is detained in pursuance of a detention order, the authority making the order shall, as soon as may be, but ordinarily not later than five days and in exceptional circumstances and for reasons to be recorded in writing, not later than ten days from the date of detention, communicate to him the grounds on which the order has been made and shall afford him the earliest opportunity of making a representation against the order to the State Government.*
>
> *(2) Nothing in sub-section (1) shall require the authority to disclose facts which it considers to be against the public interest to disclose.*

14. Further, Article 22(5) of the Constitution mandates that the authority making the order shall as soon as may be communicated the grounds on which the order has been made to the person detained and the detaining authority shall afford to the person detained the earliest opportunity of making a representation against the order.

15. Following the mandate of Article 22(5), provision has been made under section 17 of Jharkhand Control of Crimes, 2002, wherein it has been provided that the detaining authority shall communicate the grounds to the detenue on which the detention order has been passed and shall afford to the detenue an earliest opportunity of making a representation against the order to the State Government.

16. In the present case, this Court finds that at paragraph-19 of the writ petition, detenue/petitioner has himself admitted that petitioner was handed over the copy of order passed by the District Magistrate (i.e. Respondent no.3) 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 (i.e. Respondent no.2).

17. Further, this Court finds from the impugned detention order dated 05.05.2026 contained in Memo No. 380(A) (Annexure- 2) to this writ petition, wherein the detaining authority i.e. Respondent No.3 had noted that copies of the detention order shall be given to the detenue, who is in custody for the compliance of the period specified under Section 17 of the Act,2002.

18. Again, this Court finds that in the counter affidavit dated 07.10.2026, it is specifically mentioned that petitioner was provided with the information regarding his representation and detention order by the authorities, as such there is compliance of the Article 22(5) of the constitution.

19. Hence, from the own admission of the detenue/petitioner at paragraph-19 of the writ petition and from the impugned detention order Annexure-2 and counter affidavit dated 07.10.2026 filed by the State, this Court come to the conclusion that one of the constitutional requirements as provided under Article 22(5) of Constitution of India and Section 17 of the Act,2002, as to communicate the grounds to the detenue on which the detention order has been passed has been fulfilled by the State/Respondent, by providing the petitioner, the ground of detention and detention order dated 05.05.2026(Annexure-2) passed by the respondent no.3

District Magistrate-cum-Deputy Commissioner, District-East Singhbhum.

20. Now, the controversy raised by the petitioner in the writ petition that his representation was not forwarded to the detaining authorities, by the Jail Authorities and hence, petitioner has alleged that jail authorities acted maliciously and with biasness.

21. In order to appreciate the aforesaid contention, this Court has gone through the entire pleading of the writ petition as well as exhibit annexed therein and original record also, wherefrom it is apparent that in support of aforesaid statement the petitioner has not placed any cogent evidence and he has just stated that his right of representation has been curtailed by the Jail authorities.

22. It is settled position of law that allegation without evidence has no leg to stand and in the absence of cogent evidence the same can only be treated as bald and empty allegation. Further the initial onus to substantiate the allegation of not forwarding the petitioner's representation by the jail authorities lies on the petitioner himself and the petitioner has not been able to produce any evidence to substantiate his allegation.

23. At this juncture it would be pertinent to see the judgment of the Hon'ble Apex court on the question of burden of proving a case based on allegation of mala fide.

24. The Hon'ble Apex Court in case of ***Chandra Prakash Singh v. Purvanchal Gramin Bank, (2008) 12 SCC 292***, has held that it is a proposition of law that the burden of proving mala fides is very heavy on the person who alleges it. Mere allegation is not enough. Party making such allegations is under the legal obligation to place specific materials before the court to substantiate the said allegations. There has to be very strong and convincing evidence to establish the allegations of mala fides specifically and definitely alleged in the petition as the same cannot merely be presumed. The presumption under law is in favour of the bona fides of the order unless contradicted by acceptable material, for ready reference the paragraph-34 of the aforesaid judgment is being quoted herein below-

> *"**34.** Thus, as a proposition of law, the burden of proving mala fides is very heavy on the person who alleges it. Mere allegation is not enough. Party making such allegations is under the legal obligation to place specific materials before the court to substantiate the said allegations. There has to be very strong and convincing evidence to establish the allegations of mala fides specifically and definitely alleged in the petition as the same cannot merely be presumed. The presumption under law is in favour of the bona fides of the order unless contradicted by acceptable material."*

25. Further, in case of ***E.P. Royappa v. State of T.N., (1974) 4 SCC 3***, while dealing the issue of mala fide, Hon'ble Apex Court laid down that the Court would be slow to draw dubious inferences from incomplete facts placed

before it by a party, particularly when the imputations are grave and they are made against the holder of an office which has a high responsibility in the administration. Paragraph-92 of the said judgment is being quoted herein below-

> ***"92.*** *Secondly, we must not also overlook that the burden of establishing mala fides is very heavy on the person who alleges it. The allegations of mala fides are often more easily made than proved, and the very seriousness of such allegations demands proof of a high order of credibility. Here the petitioner, who was himself once the Chief Secretary, has flung a series of charges of oblique conduct against the Chief Minister. That is in itself a rather extraordinary and unusual occurrence and if these charges are true, they are bound to shake the confidence of the people in the political custodians of power in the State, and therefore, the anxiety of the Court should be all the greater to insist on a high degree of proof. In this context it may be noted that top administrators are often required to do acts which affect others adversely but which are necessary in the execution of their duties. These acts may lend themselves to misconstruction and suspicion as to the bona fides of their author when the full facts and surrounding circumstances are not known. The Court would, therefore, be slow to draw dubious inferences from incomplete facts placed before it by a party, particularly when the imputations are grave and they are made against the holder of an office which has a high responsibility in the administration. Such is the judicial perspective in evaluating charge of unworthy conduct against ministers and other high authorities, not because of any special status which they are supposed to enjoy, nor because they are highly placed in social life or administrative set up—these considerations are wholly irrelevant in judicial approach—but because*

> *otherwise, functioning effectively would become difficult in a democracy. It is from this standpoint that we must assess the merits of the allegations of mala fides made by the petitioner against the second respondent."*
>
> ***(emphasis supplied)***

26. On the basis of the discussion made hereinabove this Court is of the considered view that the petitioner has failed to prove mala fides against the jail authorities and has not produced any clinching evidence and merely imputing allegation against the jail authorities that jail authorities had not forwarded his representation, is not fit to be accepted.

27. Accordingly, Issue No.(i) is answered against the petitioner.

Re: Issue No.(ii)

28. The issue no.(ii), is whether grant of bail to the petitioner in pending cases and subsequent submission of charge-sheet in the said cases, is ground for his release from the prevention detention passed under 12(2) of the Jharkhand Control of Crimes Act, 2002?

29. In this regard petitioner has submitted that petitioner is already on regular bail or has been granted anticipatory bail by the Court of law, and the said cases were relied by the detaining authority while passing the impugned order of detention dated 05.05.2026 (Annexure-2) and hence, detention order cannot be sustained.

30. This court from perusal of record finds that in the proposal submitted by Superintendent of Police, East Singhbhum, Jamshedpur, vide Letter No. 471/DCB dated 18.04.2026, to the District Magistrate-cum-Deputy Commissioner, East Singhbhum, Jamshedpur (Respondent no.-3), there is inter alia reference of five cases registered against the petitioner-

(i) Mango P.S. Case No.124/2018, u/s-302/120 (B)/34 IPC and 27 Arms Act.

(ii) Mango P.S. Case No.185/2022,u/s 323/324/325/326/307/364/364A/379/34 u/s-IPC.

(iii) Mango P.S. Case No. 186/2024,u/s-17(a), 21(a), 22(a), 29 of NDPS Act.

(iv) Mango P.S. Case No.136/2025,u/s-17(a), 21(a), 22(a), 29 of NDPS Act.

(v) Mango P.S. Case No.20/2026, u/s-17 (a), 21(a), 22(a), 29 of NDPS Act.

31. In his interlocutory application being I.A. No.15607 of 2026 filed on 28.10.2026, petitioner has stated that in Mango P.S. Case No.124/2018, Mango P.S. Case No.186/2024 and in Mango P.S. Case No.20/2026, he has been granted regular bail and in Mango P.S. Case No.185/2022 and Mango P.S. Case No.136/2025, he has been granted anticipatory bail. Again, in his petition,

petitioner has stated that all these cases are pending for trial.

32. In the present case, this Court finds from the grounds of detention that all the five criminal cases pending against the petitioner involve serious offences. One or more of the said cases have been registered under Sections 302, 307 and 364A of the Indian Penal Code, as well as under the provisions of the Arms Act and the Narcotic Drugs and Psychotropic Substances Act (NDPS Act). The nature and gravity of the offences alleged against the petitioner are therefore of a serious character.

33. Hence, so far as release of the detenue/petitioner on bail, which are registered under the various sections of IPC, Arms Act and NDPS Act, 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 impugned order detaining him under the Jharkhand Crime Control Act, 2002.

34. Further, 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.

35. 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 dated 05.05.2026, (Annexure-2) passed by the Respondent no. 3 District Magistrate-cum-Deputy Commissioner, East Singhbhum, Jamshedpur, wherein inter alia aforesaid five pending criminal cases against the petitioner is mentioned.

36. 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."

37. Thus, from the impugned detention order dated 05.05.2026 (Annexure-2), it is evident that the petitioner is habitually involved in offences relating to murder, kidnapping for ransom, Arms Act, NDPS Act etc. 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 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.

38. Accordingly, Issue No.(ii), has been answered herein.

Issue No.(iii) and Issue No.(iv)

39. Since both these issues, whether the petitioner falls within the purview of the definition of *"Anti-social Elements"*; and whether the subjective satisfaction of the detaining authority was duly recorded while passing the

detention order, are interlinked and inseparably connected, this Court deems it appropriate to take them up together for consideration, both on the basis of the material available on record and in light of the settled principles of law governing preventive detention.

40. But before considering these issues, the statutory provisions as contained under the Jharkhand Control of Crimes,2002 needs to be referred.

41. The relevant provisions which require consideration are Sections 2(d) and section 12 of the Jharkhand Control of Crimes,2002, which are necessary to be referred herein.

42. "Anti-social Element" has been defined in section 2(d) of the Act,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*

43. From perusal of Section 2(d) of the Jharkhand Crime Control Act, 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.

44. It needs 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.

45. 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 antisocial 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 subclause (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 subclause (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."

46. 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 made under Section 12 of the Act 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.

47. Further, Section 12 of the Act,2002 empowers the State Government to detain a person, 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.

48. Hence, 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.

49. So, section 12(1) 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.

50. In the backdrop of the aforesaid statutory provisions, the factual aspect of the present case is to be considered in order to consider these issues as formulated herein above.

51. Re-adverting to the factual aspect of the present case, the petitioner has challenged the order of preventive detention dated 05.05.2026 (Annexure-2) passed under section 12 of the Jharkhand Control of Crime Act,2002 by the respondent no.3 District Magistrate-cum-Deputy Commissioner, East Singhbhum, Jamshedpur, and subsequent orders of extension of detention of the petitioner latest one being 20.07.2026 (Annexure-3) by which detention of petitioner has been extended from 05.08.2026 to 04.11.2026 extending the period of

detention. The petitioner has also challenged the order of confirmation of detention dated 23.06.2026(Annexure-4) and 24.07.2026(Annexure-5).

52. On going through the detention order dated 05.05.2026 (Annexure-2), this Court finds this detention order was passed by the respondent no.3 District Magistrate-cum-Deputy Commissioner, East Singhbhum, Jamshedpur, on the recommendations made by the Superintendent of Police, East Singhbhum, Jamshedpur, vide Letter No. 471/DCB dated 18.04.2026.

53. This Court finds from the ground of communication that out of the five FIR registered against the petitioner, which are pending for trial, petitioner is habitually involved in offences relating to murder, kidnapping for ransom, Arms Act, NDPS Act etc.

54. Thus, from the aforesaid it is evident that petitioner habitually commits offences punishable under section Chapter XVI or Chapter XVII of the Indian Penal Code/BNS and hence comes under the purview of anti-social element as defined in section 2(d)(i) of the Act 2002.

55. Further the question of subjective satisfaction of the authority concerned while passing the order of detention is questioned herein and has submitted by the learned counsel for the petitioner that there is absence of material linking habitual criminality of the petitioner, therefore in

absence of subjective satisfaction, the order of preventive detention is bad in law.

56. 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."

57. 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.

58. In the present case, ongoing to the impugned detention order, passed by the detaining authority Respondent No. 3 dated 05.05.2026(Anneure-2), it is evident that the sequence of criminal cases registered against the detenue.

59. This Court has gone through the impugned detention order dated 05.05.2026 wherefrom it is evident that authority concerned has taken note of the fact that Rohit Singh (petitioner herein) has been habitually engaged in criminal activities which ranges from murder, attempt to murder, criminal conspiracy, extortion and the cases under arms act and NDPS Act which are prejudicial to the maintenance of Public Order. The catena of criminal cases against the petitioner Rohit Singh as contained in the letter No. 471/DCB dated 18.04.2026(Annexure-1) of Superintendent of Police, East Singhbhum, Jamshedpur, and substantiated by Mango PS Case no. 124/2018, Mango PS Case no. 185/2022, Mango PS Case no. 186/2024, Mango PS Case no. 136/2025 and Mango PS Case no. 20/2026, shows that the continued criminal activities as evidenced by the multiple criminal cases pending against petitioner demonstrate a proclivity to disturb the public peace and order.

60. It is further evident from the detention order

05.05.2026 that the detaining authority has categorically recorded his satisfaction with the material and report placed before him and taking into consideration the said material and further taking into consideration that the activities of petitioner are not merely a matter of 'Law and Order' but constitute a grave threat to "Public Order" has passed the order of detention.

61. Thus, from the aforesaid it is evident that authority concerned has expressed its subjective satisfaction based upon the material available against the petitioner. Further it is apparent that the detaining authority respondent no.3 while passing the detention order 05.05.2026 (Annexure-2), has satisfied that petitioner if released from jail will act in manner prejudicial to the maintenance of public order.

62. 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. 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).***

63. This Court, on consideration of the aforesaid factual aspect is of the view that respondent authorities after being satisfied from the material available on record has considered that the petitioner comes under purview of "Anti-social Elements" as defined under section 2(d)(i) of the Jharkhand Control of Crimes Act, 2002 and detention of petitioner is required to maintain public order and while arriving the said satisfaction, the authority concerned has followed all the constitutional mandate.

64. Accordingly, Issue No.(iii) and Issue No.(iv) are hereby answered.

65. On the basis of discussion made hereinabove this Court is of the considered view that the orders of detention need no interference.

66. Accordingly, the detention order dated 05.05.2026(Annexure-2) passed by the Respondent No.3 and subsequent extension order dated 20.07.2026(Annexure-3), extending the detention from 05.08.2026 to 04.11.2026 and orders confirming the detention order dated 23.06.2026(Annexure-4) and 24.07.2026(Annexure-5) requires no interference.

67. Accordingly, the instant writ petition stands dismissed.

68. Pending Interlocutory Application, if any, stands dispose of.

69. Let the original record sent back to the authority concerned forthwith.

I agree. **(Sujit Narayan Prasad, J.)**

(Akhil Kumar, J.) **(Akhil Kumar, J.)**

Date : 04/11/2026

Alankar /**A.F.R.**

Uploaded On: - 04/11/2026