IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

Cr.WP No. 24 of 2026
Decided on 27th April 2026

Sanjay Kumar @ Sanju

…Petitioner

Vs.

Union of India and others

…Respondents

Coram

Hon'ble Mr. Justice Ajay Mohan Goel, Judge

Hon'ble Mr. Justice Bipin C. Negi, Judge

[1]Whether approved for reporting?

For the petitioner : **Mr. K.S. Gill, Advocate.**

For the respondents : **Mr. Varun Chandel, Additional Advocate General.**

Ajay Mohan Goel, Judge *(Oral)*

By way of this petition, the petitioner has, *inter alia*, prayed for the following reliefs:-

> *"I. Issue any appropriate writ, order, or direction quashing and setting aside the Detention Order No.Home(A) E (5)-19/2025 dated 15.03.2025 passed by respondent No.2 against the petitioner.*
>
> *II. Issue a Writ in the nature of Mandamus directing the respondents to immediately release and unfreeze all bank accounts, motor vehicles, real estate and the cash amounting to Rs.59,10,100/- belonging to the petitioners, in mandatory compliance with Section 68Z of the NDPS Act, 1985."*

2. A perusal of order dated 15.03.2025 demonstrates that, in terms of the said order, the preventive detention of the petitioner was ordered for three months and the period of preventive detention is since over.

3. On a query put to the learned counsel for the petitioner, he informed the Court that no challenge was laid to said order when the same was passed or during the period prescribed for preventive detention.

4. Learned counsel submits that the reason as to why this petition has been filed is that as a result of the issuance of Annexure P-3, subsequently a seizing/freezing order was passed dated 08.05.2025, Annexure P-6, which was later on confirmed by the Appellate Authority on 07.10.2025. No other point was urged.

5. This Court is of the considered view that in light of the fact that the order of preventive detention passed on 15.03.2025, was not challenged by the petitioner during the currency of the said detention order, the petitioner has no locus to now assail it. The reasons submitted by learned counsel as to why the detention order is being assailed belatedly by way of this petition,

do not impress the Court. If the petitioner is aggrieved by the subsequent orders passed against him may be by the Statutory Authority or the Appellate Authority, the petitioner can have such remedy against the said orders as is available in law, but, he cannot invoke the writ jurisdiction of this Court to assail the order of preventive detention in the garb of said orders. Even otherwise, we find that, in terms of the prayer clause, no challenge is there to Annexure P-6 or the subsequent order.

6. Accordingly, in light of the above observations, the present petition is dismissed, so also pending miscellaneous applications, if any.

(Ajay Mohan Goel)
Judge

(Bipin C. Negi)
Judge

April 27, 2026
(Vinod)