

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

W.P. (Crl.) No. 1 of 2025

Leishangthem Rajesh Singh

Petitioner

Vs.

District Magistrate, Kakching; & Ors.

Respondents

BEFORE

**HON'BLE THE CHIEF JUSTICE MR. KEMPAIAH SOMASHEKAR
HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH**

(ORDER)

(K. SOMASHEKAR, C.J.)

17.06.2025

[1] This writ petition has been filed under Article 226 of the Constitution of India challenging the detention order dated 27.02.2025 passed by the District Magistrate, Kakching in respect of registration of FIR No. 03(2)2025 WKG-PS u/s 140(2)/308(4)3(5) of BNS & 17/20 UA(P) Act dated 01.02.2025 and at present in judicial custody, for issuance of this detention order in respect of the aforesaid petitioner/accused under the National Security Act, 1980 as he is acting in a manner prejudicial to the security of the State, maintenance of public tranquility and also creating terror in the mind of the people general public, and is not possible to prevent his activities by application of ordinary laws.

[2] Heard the learned counsel for the petitioner, Mr. S. Rajeetchandra who is appearing through video conferencing and so also the learned Government Advocate for the respondents, Mr. Y. Ashang and perused the

impugned detention order dated 27.02.2025 rendered by the District Magistrate, Kakching.

[3] The factual matrix of this petition are as under:

As on 01.02.2025 based on an intel about the presence of unknown miscreants mainly extortionist provided by Maj. Shivam Sachan, Coy. Cdr, C-Coy, 46 AR, a search operation was conducted at Langmeidong Mamang Awang Leikai area from area from 0600 hrs by a combined team of CDO Unit Kakching, team of Waikhong PS and a Platoon of F-Coy, 151 Bn. BSF and detained some suspected individuals including the petitioner/accused/detenu. As his nature became suspicious, he was taken to CDO Office, Kakching for further examination by the combined team and as there was apprehension of mob formation in the meantime by the local people, especially womenfolk. On examination, the detenu identified himself as one Leishangthem Rajesh Singh @ Malemnganba, aged about 30 years, S/o (L) Leishangthem Kullabidhu Singh, Langmeidong Mamang Awang Leikai. During the course of enquiry, he admitted that he was currently serving as Vice-Chariman of the banned organization Kangleipak Communist Party (KCP) (Taibanganba) and he was in-charge of extortion activities in Kakching, Thoubal and Imphal area. As a Vice-Chairman of the aforesaid banned organization, the same has been stated in detail in the factual matrix of the crime as registered by the authorities as keeping in view the provision of Section 154 of the Code of Criminal Procedure.

[4] It is further revealed as in the particulars of the case as being registered against the petitioner/accused/detenu in FIR No. 03(2)2025 WKG-PS

u/s 140(2)/308(4)3(5) of BNS & 17/20 UA(P) Act dated 01.02.2025 for the offences which is reflected in the FIR. The said individual was arrested by the team leader from the office of the CDO-Unit, Kakching at around 0845 hrs by preparing an arrest memo in the presence of the witnesses by observing necessary legal formalities. From his possession, they have seized the items which are indicated in the particulars of crime as registered by the authorities for the offences which are leveled against him.

[5] Whereas learned counsel for the petitioner/accused in this matter took us to the impugned detention order dated 27.02.2025 as rendered by the District Magistrate, Kakching for the offences leveled against the petitioner/accused in FIR No. 03(2)2025 WKG-PS u/s 140(2)/308(4)3(5) of BNS & 17/20 UA(P) Act dated 01.02.2025. The original copy of the impugned detention order in respect of the case in Cril/NSA/No. 3 of 2025/294 dated 27.02.2025 issued by the District Magistrate, Kakching is produced vide Annexure-A/1.

[6] Whereas learned counsel for the petitioner/accused took us to the contentious contention as being made in this writ petition that the petitioner/detenu/accused being a law abiding citizen and he is ready to abide any terms and conditions imposed by this Court. Further, learned counsel for the petitioner/accused took us to the contention that he is entitled to all the constitutional guarantees and safeguards enshrined in the Constitution of India and therefore, learned counsel for the petitioner has referred to Article 22(5) of the Constitution of India relating to the detention order as has been challenged

under this writ petition by referring to the provision of Article 226 of the Constitution of India.

[7] It is further denied that the petitioner/detenu in this matter is a member of banned organization Kangleipak Communist Party (KCP) and the same has been taken in the grounds which are urged in this writ petition as initiated by the petitioner against the aforesaid detention order dated 27.02.2025 rendered by the District Magistrate, Kakching.

[8] However, learned counsel for the petitioner/accused in this matter further contended that legible copy of the relevant document has not been furnished by the District Magistrate even though the detention order was rendered as keeping in view the relevant provision of law and also keeping in view the scope of Article 22(5) of the Constitution of India, as the aforesaid Articles are mandatory.

[9] It is further contended that though the detaining authority has produced certain materials to him which is not legible and also it is not readable but the detenu/accused has been remanded to the police custody initially and thereafter he has been remanded to the judicial custody after being formally arrested in connection with 5 (five) other FIR cases.

i) FIR No. 48(7)2024 KCG-PS u/s 17/20 UA (P) Act.

ii) FIR No. (2)2025 WKG-PS u/s 140 (2)/308 (4)/3(5) BNS.

iii) FIR No. 01(1)2025 WKG P.S. u/s 304(4) BNS, 17/20 UA (P) Act added Section 61 (2) BNS.

iv) FIR No. 26(7)2024 WKG-PS u/s 308(2)(5) BNS & 17/20 UA (P) Act.

v) FIR No. 110(10)2010 LPS PS u/s 307/34 IPC & 4

These are all the FIRs that have been registered by the authorities having power and keeping in view the relevant provision under code of criminal procedure.

[10] Whereas learned counsel for the petitioner/accused took us to various grounds in this writ petition relating to the detention order dated 27.02.2025 which was served along with some illegible documents purported in the basis of the grounds and the learned counsel further took us to the grounds of the detention dated 28.02.2025 which is marked as Annexure-A/2. These are the documents facilitated by the learned counsel for the petitioner seeking intervention keeping in view the provision of the Article 22(5) of the constitution of India.

[11] It is further contended that the petitioner/detenu has filed a representation cum application to the District Magistrate asking for revocation of the order on 06.03.2025 and supply of legible documents, missing O.E of some FIR and copies of referred documents. That contention is also taken by the learned counsel for the petitioner.

[12] The detenu was served with an approval order dated 08.03.2025 issued by the Commissioner (Home) Govt. of Manipur *vide* Annexure A/4. These are all the documents facilitated by the petitioner for seeking consideration of the grounds which are urged in the ground of detention. However, the District Magistrate, Kakching has failed to appreciate the material available on record inclusive of the registration of the FIR against the petitioner/accused.

On failure of the District Magistrate, Kakching to dispose the representation made by the detenu, he filed another representation dated 13.03.2025 addressed to the Chief Secretary, Govt. of Manipur for revocation and supply of earlier sought documents. However, the aforesaid representation was disposed of by rejecting the request for revocation but the documents sought for were still not supplied.

[13] It is further contended that the impugned order of detention dated 27.02.2025 rendered by the District Magistrate, Kakching is vitiated for non-application of mind. Stale materials have been taken into consideration while formulating the grounds of detention by the District Magistrate. The impugned order is vitiated for taking into consideration even earlier grounds of detention and for non-supply of legible and relevant documents despite repeated request.

[14] It is further contended that the detenu is not communicated of compliance of mandatory provision as laid down in Section 3(4) and (5) of the statute, the detenu has no knowledge if the same has been complied with or not. On these premises, learned counsel for the petitioner/detenu/accused is seeking intervention and to proceed in accordance with the relevant provision of the Articles of the Constitution of India inclusive of the relevant provision under the Code of Criminal Procedure and correspondent provision of the BNS Act of 2023.

[15] Lastly, learned counsel for the petitioner forcefully submits that the order rendered by the District Magistrate, Kakching is without any based materials and also no material has been facilitated by the concerned police

authority/team members relating to passing the detention order against the petitioner/detenu/accused.

[16] Whereas the learned counsel for the petitioner in this matter specifically taken contention and also facilitated certain reliance that as follows

(i) ***Mehul Desai Vs. Joint Secretary (PITNDPS), Government of India & Ors.*** reported in 2024 ***Legal Eagle (Manipur) 114*** , ***Case No. W.P. (Crl.) No. 10 of 2024***, date of decision 26.07.2024, wherein the coordinate bench in the aforesaid matters has dealt with the relevant provisions of the Prevention of Illicit Trafficking in Narcotic Drugs and Psychotropic Substances Act, 1988 in respect to Section 3(1) – Preventive detention not punishment but to prevent person from committing an offence; if person already in custody than there would be no need for preventive detention except when authorities arrives at subjective satisfaction that the detenu might be released on bail.

(ii) ***State of Manipur and others vs. Buyamum Abdul Hanan @ Anand and Anr*** reported in ***2022 Legal Eagle (SC) 1220***, whereas this judgment has been facilitated by the learned counsel for the petitioner whereby the Hon'ble supreme Court of India extensively dealt the scope of Article 22(5) of the Constitution of India and inclusive of the Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988, whereas in the aforesaid judgment, the Hon'ble Supreme Court of India has specifically stated that non supply of legible copies of documents relief upon by the detaining authority, it is a settled position of law by the Supreme Court of India that the supply of legible copies of documents relied upon by the detaining authority is a sine qua non for making an effective representation which is fundamental right of detenu

guaranteed as under Article 22(5) of the Constitution of India. The order of detention under 1988 Act, the detention suffered for one year, challenged before High Court on the ground that illegible copies of documents and blurred documents were supplied, High Court set aside the order of detention holding same to be violative of Article 22 (5) of the Constitution of India. This citation has been produced by the learned counsel for the petitioner whereby seeking for consideration of the observation made by the Hon'ble Supreme Court of India in that judgment referred in various judgments by the Hon'ble Supreme Court reported in Smt. Dharmista Bhagat V. State of Karnataka & Another 1989 Supp (2) SCC 155, Manjit Singh Grewal @ Gogi V. Union of India & Ors. 1990 (Supp.) SCC 59, Mehrunissa V. State of Maharashtra (1981) 2 SCC 709 and Bhupinder Singh V. Union of India & Others (1987) 2 SCC 234. Whereas the learned counsel for the petitioner placed the reliance rendered by the Hon'ble Supreme Court of India and more importantly and also referred para 21, 22, 23 which read as thus:

"21. Thus, the legal position has been settled by this Court that the right to make representation is a fundamental right of the detenu under Article 22(5) of the Constitution and supply of the illegible copy of documents which has been relied upon by the detaining authority indeed has deprived him in making an effective representation and denial thereof will hold the order of detention illegal and not in accordance with the procedure contemplated under law.

22. It is the admitted case of the parties that respondent no.1 has failed to question before the detaining authority that illegible or blurred copies were supplied to him which were relied upon while passing the order of detention, but the right to make representation being a fundamental right under Article 22(5) of the Constitution in order to make effective representation, the detenu is always entitled to be supplied with the legible copies of the documents relied upon by the detaining authority and such information made in the grounds of detention enables him to make an effective representation.

23. Proceeding on the principles which have now been settled by this Court, it was specifically raised by the respondents in their writ petition and the reference has been made in para 9 of the petition referred to(supra) and in the pleadings on record, there was no denial in the counter filed by the

appellants before the High Court that the documents which were supplied and relied upon by the detaining authority were legible and that has not denied respondent no.1 in making effective representation while questioning the order of detention and once this fact remain uncontroverted from the records as being placed before the High Court in writ petition filed under Article 226 of the Constitution and the legal principles being settled, we find no substance in the submissions made by learned counsel for the appellants that merely because respondent no.1 has failed to raise this question before the detaining authority which go into root of the matter to take away the right vested in the appellant/detenu in assailing the order of detention while availing the remedy available to him under Article 226 of the Constitution of India.”

Whereas the learned counsel for the petitioner is submitting in further and also lastly submitting that even taking into the scope of Article 226 of the Constitution of India even holding that the grounds of detention did not satisfy the rigors of proof as a foundational effect which has enabled him in making effective representation in assailing the order of detention in view of the protection provided under article 22(5) of the Constitution, the same renders the order of detention illegal and we find no error committed by the High Court in setting aside the order of preventive detention under the impugned judgment.

[17] Learned counsel for the petitioner also placed reliance in the case of ***Sarabjeeet Singh Mokha versus District Magistrate, Jabalpur & Ors***, reported in ***2021 Legal Eagle (SC) 731***, in this judgment, the Hon’ble Supreme Court of India addressed the scope of Sections 10, 11, 12(1) and 15 read with Sections 3(2), 3(4), 3(5), 5-A and 8 of the Preventive Detention, the detention under Section 3(2) of the NSA, the appellant, a Director of City Hospital, Jabalpur faced an FIR under relevant provisions of IPC, Disaster Management Act, Epidemic Diseases Act for procurement of fake Remediesvir injection in contravention of certain orders and administering the same to patients during

Covid-19 pandemic in order to make illegal profits thereby endangering the life of the general public.

Wherein, the Hon'ble Supreme Court of India, in Foot Note (A) referred to Section 53 of the Disaster Management Act, 2025; Sections 3 of the Epidemic Diseases Act, 1897; Sections 25 and 27 of the Arms Act, 1959, Sections 144, 161, 13 of the Code of Criminal Procedure, 1973, Article 136 read with Article 226, 22 and 22(5) of the Constitution of India, wherein the Hon'ble Supreme Court of India in the extensively addressed the issues and scope of the said provision of law in paragraph 2, 13, 46, 54-57.

[18] These are all the citations facilitated by the petitioner and seeking for intervention needs, if not, there shall be some miscarriage of justice. However, learned counsel for the petitioner specifically submits that the detaining authority, i.e., the District Magistrate has passed the impugned order which is based upon the reliable information submitted by the police authority and also the materials which has been collected during the course of some enquiries made and also making some enquiries with the petitioner/accused/detentive in the aforesaid crimes. It is deemed appropriate to refer the provision of Section 154 of the Code of Criminal Procedure which reads as thus.

154. Information in cognizable cases.—(1) Every information relating to the commission of a cognizable offence, if given orally to an officer in charge of a police station, shall be reduced to writing by him or under his direction, and be read over to the informant; and every such information, whether given in writing or reduced to writing as aforesaid, shall be signed by the person giving it, and the substance thereof shall be entered in a book to be kept by such officer in such form as the State Government may prescribe in this behalf:

Provided further that—

(a) in the event that the person against whom an offence under section 354, section 354A(a) in the event that the person against whom an offence under section 354, section 354A, section 354B, section 354C, section 354D, section 376, 1 [section 376A, section 376AB, section 376B, section 376C, section 376D, section 376DA, section 376DB], section 376E or section 509 of the Indian Penal Code (45 of 1860) is alleged to have been committed or attempted, is temporarily or permanently mentally or physically disabled, then such information shall be recorded by a police officer, at the residence of the person seeking to report such offence or at a convenient place of such person's choice, in the presence of an interpreter or a special educator, as the case may be;

(b) the recording of such information shall be video graphed;

(c) the police officer shall get the statement of the person recorded by a Judicial Magistrate under clause (a) of sub-section (5A) of section 164 as soon as possible.]

(2) A copy of the information as recorded under sub-section (1) shall be given forthwith, free of cost, to the informant.

(3) Any person aggrieved by a refusal on the part of an officer in charge of a police station to record the information referred to in sub-section (1) may send the substance of such information, in writing and by post, to the Superintendent of Police concerned who, if satisfied that such information discloses the commission of a cognizable offence, shall either investigate the case himself or direct an investigation to be made by any police officer subordinate to him, in the manner provided by this Code, and such officer shall have all the powers of an officer in charge of the police station in relation to that offence."

[19] These are all the contentious contentions taken by the learned counsel for the petitioner and seeking for allowing this writ petition and

consequently setting aside the impugned detention order dated 27.02.2025 rendered by District Magistrate, Kakching

[20] On the contrary, learned Government Advocate in this matter submits that even though reliable information has been secured by the police authority and thereafter registered the case in the aforesaid FIR. Subsequent to enquiry with the petitioner/detenu/accused, and thereafter only registered the said FIR against petitioner/detenu/accused for the offences and further initially the accused was remanded to the police custody and thereafter the accused was remanded to judicial custody. However, the accused has committed several offences which also indicated in the material which has been collected by the investigating agency during the course of investigation. Wherein, the petitioner/accused led in various crimes which has been registered by the investigating authority under the relevant provision of law and also registered various crimes and therefore, the accused in case release on bail, certainly he would come in the way of the prosecution case and also terrorizing to the public in general. The activities of the accused has been stated in detail and the report has been made by the investigating agency to the concerned District Magistrate to secure the detention order. The detaining authority rendered the order of detention which has been challenged in this writ petition, by urging various grounds. However, the learned Government Advocate in this matter stoutly addressed the arguments stating that the detaining authority has rendered the order based upon the reliable information as being secured by the investigating agency consisting of certain team members, who apprehended the petitioner/accused when he was about to leave his residence with his daughter

for dropping her to school. The same is indicated in the material available on record and also the same is indicated in the FIR registered by the concerned police authority keeping in view the provision of Section 154 of the Code of Criminal Procedure.

[21] Subsequent to registration of FIR against the accused, the investigating authority has submitted the detailed report and seeking for detention order. Then the District Magistrate, Kakching has rendered the impugned order of detention even though legible/readable materials have not been supplied to the petitioner/detenu. This ground has been urged by the learned counsel for the petitioner seeking for intervention of the impugned order of detention.

[22] Whereas the learned Government Advocate in this matter is further submitting that if the petitioner/accused/detenu has been released on bail, certainly he would come in the way of the prosecution and also cause hindrance to the progress made by the investigating agency to proceed for filing a charge sheet keeping in view the provision of Section 173 of the Code of Criminal Procedure.

[23] However, once the FIR has been registered by the investigating authority as keeping in view the provision of Section 154 of Code of Criminal Procedure and thereafter the investigating agency to look into the provision of Section 161 and 162 of the Code of Criminal Procedure for recording the statement of witnesses and also in order secure the witnesses to draw the punchnama. These are all the recourses which have to be taken by the

investigating agency. Lastly, filing of a charge sheet under section 173 of the Code of Criminal Procedure, inclusive of the relevant provision of law. Even the crime has been registered under the National Security Act, 1980 the same has been indicating in the materials available on record inclusive of the FIR as being registered by the investigating agency. These are all the submissions made by the learned Government Advocate in this matter and contended that impugned order rendered by the District Magistrate, Kakching is justifiable and it does not arise for call for any interference. On these premises, learned Government Advocate in this matter seeking for dismissal of the writ petition.

[24] Keeping in view all the contentious contentions taken by the learned counsel for the petitioner and so also counter arguments advanced by the learned Government Advocate and more so based upon the detention order rendered by the District Magistrate, Kakching, it is relevant to refer that the Article 21 and 22 of the Constitution of India in respect of personal liberty of individuals, the preventive detention when may be imposed, personal liberty has to be subordinated within a reasonable bounds to be good of the people.

[25] The Constitution and the Supreme Court of India are very zealous of upholding personal liberty of individual, but liberty of individual has to be subordinated within a reasonable bounds to be good of the people, order of detention is clearly a preventive measure and liberty to offer protection to the society. When preventive detention is aimed to protect safety and security of nation, balance has to be struck between the liberty of individuals and need of society the preventive detention generally nature scope and object, the same has been addressed by the Hon'ble Supreme Court of India in various judgments.

However, the Hon'ble Supreme Court of India rendering a judgment in ***A.K. Gopalan Vs. State of Madras*** reported in ***AIR 1950 SC 27*** relating to preventive detention in detail address the issue.

[26] Whereas keeping in view the factual matrix of this matter, it is deemed appropriate to refer petitioner/detenu/accused in the aforesaid crime as being registered by the investigating agency under the National Security Act, 1980. The grounds of detention for the petitioner/detenu/accused which has been served upon him indicate that the materials had been placed before the detaining authority, i.e, the District Magistrate, Kakching, which reveals that the petitioner was indulging in antisocial activities and that in pursuance to the activities he had threatened many people and in fact had assaulted them. This ground further indicated that the petitioner/detenu/accused had disturbed the public peace and tranquility in the area. The notice even convened the said grounds to the petitioner further alleged that as a result of the criminal activities of the petitioner/detenu/accused, even the materials which has been facilitated by the detaining authority to the accused but the materials are not readable/illegible, but the said documents have been facilitated to the petitioner/detenu/accused, there is no purpose would be served on the State/investigating agency.

[27] Whereas it is true that the satisfaction of the detaining authority keeping in view the provision of Section 3 (1)(a) refers to its subjective satisfaction and so he is not justifiable. Therefore, it would not be open to the detenu to ask the Court to consider the question as to whether the said satisfaction the detaining authority can be justified by the application of objective

test, it would not be open, for instance to the detenu to contend that the grounds supplied to him do not necessarily or reasonably lead to the conclusion that if he is not detained. This issue has already been addressed in a judgment of ***State of Bombay Vs. Atma Ram Shridhar Vaidya*** reported in ***AIR 1951 SC 157***. There is no doubt if any grounds have been urged and also grounds have been based upon the materials as being secured by the investigating agency during the course of the investigation and also to make some enquiry with the concerned petitioner/accused. But unless the scope of Article 22(5) of the Constitution of India has been complied with and the order which has been rendered by the detaining authority which is under suspicious and it may be considered even at any stage of the proceedings.

[28] Whereas in this detention order, reliable information has been secured by the investigating agency during the course of the arrest of the petitioner/accused, there must be bearing in mind even though the past conduct and antecedent history of the person on which the authority purposed the act, should ordinarily be proximate in point of time should have a rational connection with the conclusion that the detention of the person is necessary, it would for instance be irrational to take into account the conduct of the person which took place even several years also, even so on the strength of the said incident for recording the various FIRs by the investigating agency, it will not be the ground for seeking for detention order unless the materials which has been facilitated by the investigating agency which should be justifiable and also have some good grounds which should not come in the way of Article 22 (5) of the Constitution of India and equally the Article 21 of the Constitution of India.

[29] It is trite law and also settled position of law relating to entertaining a writ petition filed under Article 226 of Constitution of India and whereby challenging the detention order rendered by the detaining authority. Even obligation of the consideration of the detentue's representation by the concerned authority flows from Article 22(5) of the Constitution of India. When only one representation is made addressed to the detaining authority and there shall be some reason and that reason should be justifiable to hold that the detaining authority has relied upon its obligation merely because the representation is addressed to the advisory board, instead of addressing to the detaining authority. Whereas, submitting to the advisory board during the pendency of the reference before it, is difficult to spell out such an interference from the content of Article 22(5) of the Constitution of India, however, it does not require in detail for address the impugned order.

[30] The detaining authority is required to bear in mind that there exists a distinction between the likelihood of his moving an application for bail and the likelihood to be released on bail while arriving at the subjective satisfaction that there is likelihood of the detentue being released on bail, but releasing on bail also consideration of the grounds it is under relevant provision of the code of criminal procedure, recording the satisfaction on the part of the detaining authority and merely because an application for grant of bail had been filed would not be enough, it would also not be sufficient to compliance with the legal obligation that the detaining authority had informed himself that the detentue as reflected from his earlier confession, but the confession concept is as under the relevant provision of Indian Evidence Act, 1872 under what circumstances the

confessional statement has to be recorded by the investigating agency but the confessional statement has to be recorded keeping in view the provision of Section 164 of the Code of Criminal Procedure and also the relevant provision of Indian Evidence Act, 1872 and more importantly, Section 24 and 25 of the Indian Evidence Act, 1872, and more so, the appreciation of the evidence which is also vested with the Trial Court as keeping in view the provision of Section 3 of the Indian Evidence Act, 1872 and the said provision has been dealt relating to proved, disproved and not proved in respect of the facts, whereas Section 4 of the Indian Evidence Act, 1872 deals with may presume, shall presume and conclusive proof. Therefore, at this stage, it cannot be considered the scope of the aforesaid provisions of law, no doubt the antecedent of the detenu/accused would be a relevant factor, but the same may not be sufficient to seeking detention order inasmuch as the principles which governed so as to enable the Court to arrive at a proper decision that the order of detention can be validly passed despite the detenu in custody.

[31] If the detaining authority passing an order is aware of the fact that he is actually in custody, the custody in sense is according to the materials available on record, the police custody initially and thereafter he has been remanded in judicial custody, in accordance with the relevant provision of the Code of Criminal Procedure, if he had a reason to believe on the basis of reliable materials and that material had been facilitated by the investigating agency relating to the crime as being registered by the concerned police authority that there is a real possibility of his being release on bail and that on being released, he would be probably indulging in prejudicial activity, this role is only to be vested

with the concerned court having jurisdiction of the consideration of the bail petition if the petitioner/detenu/accused has filed an application under the relevant provision of Code of Criminal Procedure. It is trite essential to detaining him to preventing him to so doing.

[32] However, as regards to the facts and circumstances of the present case and for the finding and reasons herein above, we are of the considered view that the detention order passed by the District Magistrate, Kakching District against the petitioner cannot be sustained. Accordingly, the impugned detention order dated 27.02.2025, the approval order dated 08.03.2025 and the confirmation order dated 21.03.2025 are hereby set aside. Consequently, the detenue be set at liberty forthwith, if his detention is not required in connection with any other cases.

Sandeep

JUDGE

CHIEF JUSTICE