

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

W.P.(CRL) No. 30 of 2025

Mutum Manaocha Singh @ Khullakpa, aged about 41 years, S/o Late M. Tolpishak Singh, resident of Tronglaobi Makha Leikai, P.O. & P.S. Moirang, Bishnupur District, Manipur

... Petitioner

- Versus -

1. District Magistrate/Detaining Authority, P.O. & P.s. Bishnupur, Bishnupur District, Manipur – 795126.
2. The State of Manipur, represented by the Chief Secretary, Government of Manipur, South Block, Imphal – 795001.
3. Union of India, represented by the Secretary, Ministry of Home Affairs, Department of Home Internal Security North Block, New Delhi – 110001.
4. Superintendent of Manipur Central Jail Sajiwa, P.O. Lamlong, P.S. Porompat, Imphal East District, Manipur – 795114.

... Respondents

B E F O R E
HON'BLE THE CHIEF JUSTICE MR. M. SUNDAR
HON'BLE MR. JUSTICE A. BIMOL SINGH

For the petitioner : Mr. M. Ibotombi, Advocate.
For the respondents : Mr. Phungyo Zingkhei, Deputy
Government Advocate, led by Mr.
Y. Ashang, Senior Advocate for R-
1, R-2 & R-4.
: Mr. W. Darakishore, Senior Panel
Counsel for Central Government
for R-3
Date of hearing : 09.03.2026
Date of judgment & order: **09.03.2026**

JUDGMENT & ORDER
(ORAL)

[M. Sundar, CJ]

[1] In captioned writ petition (WP), Mr. M. Ibotombi, learned counsel for sole petitioner, Mr. Phungyo Zingkhei, learned Deputy Government Advocate on record for 'respondents No. 1, 2 & 4' ('R-1, R-2 & R-4' for the sake of brevity and convenience) led by Mr. Y. Ashang, learned senior advocate and Mr. W. Darakishore, learned senior Panel Counsel for Central Government (PCCG) for 'respondent No. 3' ('R-3' for the sake of brevity and convenience) are before this Court.

[2] Main WP was heard out and this order is to be read in continuation of and in conjunction with proceedings made by this Court in listings on 15.10.2025 and 20.01.2026 which read as follows:

Proceedings dated 15.10.2025 :

[1] Mr. S. Premchand, learned counsel for writ petitioner is before this Court on the VC platform.

[2] Learned counsel for writ petitioner submits that a preventive detention order dated 12.07.2025 made by 1st respondent (District Magistrate, Bishnupur) has been assailed by the detenu.

[3] To be noted, the afore-referred preventive detention order shall be referred to as 'impugned preventive detention order' and '1 st respondent' shall be referred to as 'detaining authority' (both for the sake of convenience and clarity).

[4] Learned counsel for writ petitioner submits that the detenu himself is the writ petitioner, detenu was arrested on 24.06.2025, remanded to police custody till 29.06.2025, thereafter remanded to judicial custody and while the petitioner remained incarcerated, the impugned preventive detention order came to be passed.

[5] In his campaign against the impugned preventive detention order, learned counsel pointed out that the impugned preventive detention order has been made while the detenu was incarcerated but it does not record subjective satisfaction of imminent possibility of detenu being enlarged on bail. It is also submitted that no bail application is pending as the

bail application presented at the time of being produced before the NIA Court on 29.06.2025 was not pressed. In other words, after 29.06.2025, no bail application has been filed and none is pending is learned counsel's submission.

[6] Prima facie case is made out.

[7] Issue notice to respondents.

[8] Mr. Sh. Yangya, learned State counsel, accepts notice for respondent Nos. 1, 2 & 4. As regards respondent No. 3, learned counsel for writ petitioner is permitted to serve on the standing counsel for Union of India.

[9] Mr. Sh. Yangya, learned State counsel who accepted notice for respondent Nos. 1, 2 & 4, requests for two weeks' time to get instructions and revert to this Court. Request acceded to.

List on 05.11.2025.'

Proceedings dated 20.01.2026 :

[1] Mr. S. Rajeetchandra, learned counsel for petitioner, Mr. Y. Ashang, learned Sr. counsel instructed by Mr. W. Niranjit, learned State counsel for respondent Nos. 1, 2 & 4 and Mr. W. Darakeshwar, learned Sr. Panel Counsel for Central Government (PCCG) for respondent No. 3 are before us in the physical Court.

[2] After some arguments, Mr. W. Niranjit, learned State counsel and Mr. W. Darakeshwar, learned Sr. PCCG, sought time to get instructions more particularly with regard to a Notification dated 13.11.2023 bearing Reference No. S.O. 4899(E). This notification is under Section 3 of 'the Unlawful Activities (Prevention) Act,

1967 (37 of 1967)' ('UAPA' for the sake of convenience) subject to Section 4 of UAPA.

[3] Be that as it may, we deem it appropriate to record that respondent No. 3 has filed an affidavit-in-opposition but as regards respondent Nos. 1, 2 & 4, Mr. Y. Ashang, learned senior counsel instructed by Mr. W. Niranjit, learned State counsel, submitted that he would argue the matter on the basis of file produced in the Court without filing an affidavit-in-opposition. Therefore, the main matter was taken up with the consent of all counsel before us and afore-referred request by both State counsel was made after some hearing.

[4] The file produced by learned State counsel, Mr. W. Niranjit shall remain in the custody of Registrar (Judicial) of this Court in a sealed envelope and the sealed envelope will be placed before this Court in the next listing which shall be day after tomorrow.

[5] List on 22.01.2026.'

[3] The afore-referred proceedings are now to be read as an integral part and parcel of instant order. This also means that the abbreviations, short forms and short references used in the earlier two proceedings shall continue to be used in this order also.

[4] Notwithstanding very many grounds i.e. myriad grounds in writ petition, learned counsel for writ petitioner, in the hearing predicated his campaign against the impugned

preventive detention order on two points and the same are as follows:

- (i) Subjective satisfaction arrived at by Detaining Authority qua imminent possibility of detenu being enlarged on bail is flawed as there was no material before the Detaining Authority for arriving at and recording such subjective satisfaction;
- (ii) Representation dated 02.08.2025 sent by writ petitioner to R-3 (Union of India, represented by the Secretary, Ministry of Home Affairs, Department of Home Internal Security North Block, New Delhi – 110001) was not disposed of expeditiously. To put it differently, there is delay in disposing of writ petitioner's representation dated 02.08.2025 made to R-3 and this has vitiated the impugned preventive detention order.

[5] As regards the first point, learned State counsel for R-1, R-2 and R-4 submitted to the contrary and his submission is as follows:

Adverting to grounds of detention and more particularly paragraph Nos. 15 and 16 thereat, it was submitted that a bail application moved by the detenu was pending on the date impugned preventive detention order, the same was before the

Detaining Authority and Detaining Authority has noticed that in a case where FIR was lodged against the detenu with regard to similar offences under 'Unlawful Activities (Prevention) Act 1967' [UA(P)A] and 'Arms Act, 1959' bail had been granted.

[6] As regards the second point, learned senior PCCG for R-3 submitted as follows:

There is no delay in disposal of writ petitioner's representation dated 02.08.2025 and processing details have been adequately explained in sub-paragraphs No. I – IX of paragraph No. 4 of affidavit-in-opposition of R-3 dated 24.10.2025 and the deponent is, Under Secretary, Ministry of Home Affairs, Government of India. Paragraph No. 4 of affidavit-in-opposition of R-3 reads as follows:

'4. That, with regard to para no. 8 & 9 of the petition, it is submitted that a copy of representation dated 02.08.2025 submitted by the Shri Mutum Manaocha Singh @ Khullakpa, the detenu was duly considered and not acceded to by the Central Government. Accordingly, the detenu along with authorities concerned were informed vide Wireless Message dated 13.08.2025. The details of the processing of the representation are as under:

I. A copy of the representation dated 02.08.2025 of the detenu was forwarded by the

Additional Secretary (Home), Government of Manipur vide letter dated 07.08.2025. A copy of same was received vide email dated 07.08.2025 at 07:02 PM. It reached the section concerned/dealing hand on 08.02.2025.

II. Thereafter, there was an intervening period of two days on 09.08.2025 and 10.08.2025 being Saturday and Sunday.

III. The representation of the detenu was examined at the section level on 11.08.2025 and thereafter put up to the Deputy Secretary on 12.08.2025.

IV. The Deputy Secretary after examining the representation forwarded the file to the Joint Secretary on 12.08.2025.

V. The Joint Secretary after examining the representation forwarded the file to the Union Home Secretary on 12.08.2025.

VI. The Union Home Secretary having carefully gone through the material on record, including the order of detention, the grounds for detention and the representation of the detenu concluded that the detenu had failed to bring forth any material cause or grounds in his representation to justify the revocation of the order by exercise of the powers of the Central Government under Section 14 of the National Security Act, 1980. He, therefore, rejected representation and sent the file back to the Joint Secretary on 12.08.2025.

VIII. The file reached the section concerned through aforesaid level on 13.08.2025.

Accordingly, the detenu and the authorities concerned were informed vide Wireless Message No. II/15023/30/2025-NSA dated 13.08.2025.

IX. It is further submitted that the representation dated 02.08.2025 of the detenu was dealt promptly and Central Government's decision on the representation was conveyed with utmost promptitude. Hence, there was no wilful or deliberate delay in disposal of the representation on part of the answering respondent.

A True copy of Wireless Message dated 13.08.2025 is enclosed herewith and marked as Annexure-R/1.'

[7] This Court carefully considered the rival submissions.

[8] As regards first point i.e., subjective satisfaction arrived at by the Detaining Authority qua imminent possibility of detenu being enlarged on bail, learned counsel for writ petitioner pressed into service a judgment of Hon'ble Supreme Court made in ***Yumnam Ongbi Lembi Leima -vs- State of Manipur & Ors.*** reported in ***(2012) 2 SCC 176***. Learned counsel relying on ***Yumnam Ongbi Lembi Leima*** submitted that mere apprehension that detenu was likely to be released on bail is not sufficient to justify the detention order. It was also

argued by learned counsel for writ petitioner that the bail petition filed by detenu (bail petition dated 30.06.2025 in Cril. Misc. Bail Case No. No. 124 of 2025, reference No. FIR No. 06(06) 2025 KBL-PS on the file of Special Judge, NIA, Bishnupur) was disposed of as not pressed on 01.09.2025.

[9] This Court finds that ***Yumnam Ongbi Lembi Leima*** is distinguishable on facts and therefore it does not come to the aid of writ petitioner. ***Yumnam Ongbi Lembi Leima*** is distinguishable on facts as it is a case where the learned counsel for detenu submitted that the detenu not applied for bail at any stage and had gone on to submit that there was no indication that he intends to do so. This is captured in paragraph No. 10 of ***Yumnam Ongbi Lembi Leima*** and the said Paragraph No. 10 as reported in ***(2012) 2 SCC 176*** reads as follows:

'10. Mr. Parikh submitted that not only had the appellant's husband not applied for bail at any stage, nor was there any indication that he intends to do so, which could give to the supposition that in the future there was every likelihood that he would be released on bail. Mr. Parikh submitted that supposition could never take the place of facts which were necessary to establish a case which warranted the detention of a person without any trial.'

[10] In the case on hand, the detenu has admittedly filed bail petition on 30.06.2025 and the same was pending on the date on which impugned preventive detention order was made by the Detaining Authority i.e. on 12.07.2025. Therefore, the argument that there was no material before Detaining Authority qua afore-referred subjective satisfaction is a non-starter. The argument that the bail petition was disposed of as not pressed is not argument as the bail petition was disposed of only on 01.09.2025, much after the impugned preventive detention order had been made by the Detaining Authority on 12.07.2025.

[11] As regards subjective satisfaction, Hon'ble Supreme Court in ***Ameena Begum -vs- State of Telangana & Ors.*** reported in ***(2023) 9 SCC 587*** had made it clear that areas within which validity of subjective satisfaction can be tested have been carved out and this Court in order dated 11.02.2026 made in W.P. (Crl) No. 34 of 2025 by respectfully following ***Ameena Begum*** has made an adumbration of carved out areas (adumbration of 6 areas i.e. a to f). This is vide paragraph No. 7 of the order dated 11.02.2025 in W.P.(Crl) No. 34 of 2025 ***(Mutum Ranjan Meitei @ Lamjingba -vs-***

District Magistrate, Thoubal District) and the same reads

as follows:

*[7] This Court, carefully examined the rival contentions. At the outset, it is to be noted that the question of justiciability of subjective satisfaction of a detaining authority in preventive detention matters came up for consideration before Hon'ble Supreme Court in several cases and we respectfully refer to a recent judgment of Hon'ble Supreme Court being '**Ameena Begum vs. State of Telangana & Ors.**' reported in **(2023) 9 SCC 587**. In **Ameena Begum**, after a survey of various case laws on preventive detention including case laws on preventive detentions under NSA, Hon'ble Supreme Court made it clear that areas within which validity of subjective satisfaction can be tested have been carved out and an adumbration of the carved out areas is as follows:*

- (a) When the detaining authority has not applied its mind at all;*
- (b) When there is dishonest exercise of power by detaining authority;*
- (c) Exercise of power of detaining authority for improper purpose;*
- (d) Detaining authority acting under dictation of another body;*
- (e) When the subjective satisfaction recorded by detaining authority is*

based on application of wrong test or misconception of a statute;

(f) When the detaining authority has arrived at and recorded subjective satisfaction without the same being grounded on materials which are rationally probative value.

(Underlining made by this Court for ease of reference.)

*To be noted, adumbration supra has been set out by this Court by respectfully following paragraph No. 16 of **Ameena Begum** [paragraph No. 16 as in SCC report being (2023) 9 SCC 587] wherein Hon'ble Supreme Court relied on paragraph Nos. 8 & 9 of '**Khudiram Das vs. State of West Bengal**' reported in **(1975) 2 SCC 81** which was rendered by a Hon'ble four Judges Bench.'*

[12] In the case on hand, we find that it cannot be gain said that there was no material of rationally probative value before the Detaining Authority. The reason is, in paragraph No. 15 of grounds, Detaining Authority has noticed that detenu's bail petition dated 30.06.2025 is pending. The Detaining Authority has also noticed that in a similar case qua the detenu bail has been granted. Subjecting subjective satisfaction of the Detaining Authority to judicial review is not akin to an appeal and therefore, we deem it appropriate to unhesitatingly write

that it is not a case of complete absence of material much less absence of any material of probative value. In any event, argument of learned counsel for petitioner that lone bail petition filed by the detenu was disposed of as not pressed is a non-starter as not pressed disposal of bail petition was on 01.09.2025 much after impugned preventive detention order was made on 12.07.2025 as already alluded to supra. This means that first point qua writ petitioner's campaign against the impugned detention order does not find favour with this Court.

[13] As regards second point, the representation sent by the detenu to R-3 is dated 02.08.2025 (*Annexure, A/7 - Colly*) and it has been disposed of by Central Government on 12.08.2025. As already alluded to supra, the details of processing of detenu's representation and various stages have been explained vide paragraph No. 4 of the affidavit-in-opposition of R-3 which has been extracted and set out supra. A careful perusal of the paragraph No. 4 makes it clear that no sooner than the representation reached R-3, the same has been examined i.e., on the next working day and it has been placed before the Deputy Secretary and Joint Secretary the day after i.e. on 12.08.2025 and the detenu was informed vide wireless message on 13.08.2025. Therefore, Court is unable to accept

the submission of learned counsel for writ petitioner that there was delay on the part of R-3 in disposing of detenu's representation dated 02.08.2025. This means that the second point also cuts no ice with this Court.

[14] Apropos, as both points on which the writ petitioner's counsel predicated his campaign against the impugned preventive detention order cuts no ice with this Court, captioned writ petition (WP) fails and the same is dismissed. There shall be no order as to costs.

JUDGE

CHIEF JUSTICE

FR/NFR

Bipin