

GAHC010066312023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : W.P.(Cri.)/12/2023

JAMIRON KHATUN
W/O- ANISUR RAHMAN, R/O- VILLAGE- AMERBHITA,
CHOTO BASHJANI, P.S. DHUBRI, DIST.- DHUBRI, ASSAM, PIN- 783324

VERSUS

1: THE UNION OF INDIA AND 6 ORS
REP. BY THE SECRETARY TO THE GOVT. OF INDIA, MINISTRY OF HOME,
NEW DELHI, PIN- 110001

2:THE STATE OF ASSAM REP. BY THE SECRETARY TO THE GOVT. OF
ASSAM HOME AND POLITICAL DEPTT. DISPUR GHY-06

3:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
HOME AND POLITICAL DEPTT. DISPUR GHY-06

4:THE DIRECTOR GENERAL OF POLICE
ASSAM ULUBARI GUWAHATI-05

5:THE INSPECTOR GENERAL OF POLICE (WR)
ASSAM BONGAIGAON PIN- 783380

6:THE SUPERINTENDENT OF POLICE
DISTRICT-DHUBRI ASSAM PIN- 783301

7:THE SUPERINTENDENT OF DISTRICT JAIL
DHUBRI PIN- 78330

For the Petitioner : Mr. M. Ahmed, Advocate.

For the Respondents : Mr. J. Sarmah, Central Government Counsel for respondent No.1.
: Mr. D. Saikia, Advocate General, Assam, assisted by Mr. D. Nath,
Senior Government Advocate, Assam for respondent Nos.2 to 7.

- B E F O R E -
HON'BLE THE CHIEF JUSTICE
HON'BLE MRS. JUSTICE MITALI THAKURIA

11.05.2023

The detenu herein, namely, Anisur Rahman, was detained under the Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988 (hereinafter referred to as the "1988 Act") vide order dated 24.08.2022 issued by the Commissioner & Secretary to the Government of Assam, Home & Political Department.

When the matter came up before the Court on 10.05.2023, finding that there was no order of confirmation of detention on record, we directed Mr. D. Nath, learned Senior Government Advocate, Assam to apprise the Court in this regard.

Today, an affidavit has been filed on behalf of the respondent Nos.2 & 3, wherein it is clearly indicated that the issue of confirmation of detention order to impose maximum period of detention upto one year is expected to be issued shortly.

In this background and since, the detention of the detenu, namely, Anisur Rahman, beyond the period of three months is grossly illegal, as has been held by this Court in WP(Crl.) No.17/2023 (decided on 11.05.2023), we hereby direct that the detenu Anisur Rahman shall be released from custody forthwith, if not wanted in any other case. As a symbolic compensation to the detenu for his grossly illegal detention for a period of more than nearly four and half months (after completion of the three months initial period), we direct the respondent State to pay a sum of Rs.50,000/- (Rupees Fifty Thousand) to the detenu, namely, Anisur Rahman, within a period of 30(thirty) days, by way of compensation.

With the above observation and direction, the writ petition is allowed.

JUDGE

CHIEF JUSTICE

Comparing Assistant