GAHC010184462026

2026:GAU-AS:16313-DB

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

Case No. : W.P.(Crl.)/40/2026

PRANAB DOLEY
S/O SRI LAKHI DOLEY, R/O VILLAGE- PANBARI MISING GAON, P.S. BOKAKHAT, DISTRICT- GOLAGHAT, ASSAM, PIN- 785621

VERSUS

THE UNION OF INDIA AND 5 ORS
REPRESENTED BY THE SECRETARY TO THE GOVT. OF INDIA, MINISTRY OF HOME AFFAIRS, NORTH BLOCK, NEW DELHI, PIN- 110001

2:THE STATE OF ASSAM
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF ASSAM
HOME AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI- 781006

3:THE ADVISORY BOARD FOR THE NATIONAL SECURITY ACT
ASSAM
REPRESENTED BY ITS CHAIRMAN

4:THE DISTRICT MAGISTRATE CUM DISTRICT COMMISSIONER
GOLAGHAT
ASSAM
PIN- 785621

5:THE SENIOR SUPERINTENDENT OF POLICE
GOLAGHAT
ASSAM
PIN- 785621

6:THE SUPERINTENDENT OF DISTRICT JAIL

GOLAGHAT
ASSAM
PIN- 78562

Advocate for the Petitioner : MR S BORTHAKUR, SR. ADV., MR. S DEY,MR. D K AGARWALA

Advocate for the Respondent : MR. R K D CHOUDHURY, DY. SGI R-1, GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

Advocate for the petitioner : Mr. S. Borthakur, senior counsel,
: Mr. D.K. Agarwala.

Advocate for the respondents : Mr. S. Chakraborty, CGC,
: Mr. D. Mozumdar, Addl. Advocate General,
: Mr. P. Sarmah, Addl. Sr. G.A.

Date on which judgment is reserved : 14.10.2026

Date of pronouncement of judgment : 06.11.2026

Whether the pronouncement is of the operative part of the judgment? : No.

Whether the full judgment has been Pronounced? : Yes.

JUDGMENT AND ORDER

(*CAV*)

(K.R. Surana, J)

Heard Mr. S. Borthakur, learned senior counsel, assisted by D.K. Agarwala, learned counsel for the petitioner. Also heard Mr. S. Chakraborty,

learned CGC and Mr. D. Mozumder, learned senior counsel and Addl. Advocate General for the State, assisted by Mr. P. Sarmah, learned Additional Senior Govt Advocate.

2) Filing this *habeas corpus* petition under Article 226 of the Constitution of India, the petitioner, namely, Sri Pranab Doley, has challenged his detention under Section 3(2) of the National Security Act, 1980 vide detention order no. eCF-821601/81 dated 30.07.2026, passed by the Commissioner and Secretary to the Government of Assam, Home and Political Department, Political (A) Department, by which the said authority had, amongst others, recorded its satisfaction that the activities of the petitioner was prejudicial to the maintenance of public order as well as security of the State and ordering him to be detained in the District Jail, Golaghat. Also under challenge is the grounds of detention bearing memo no. eCF-821601/84 dated 30.07.2026, passed by the Commissioner and Secretary to the Government of Assam, Home and Political Department, Political (A) Department, which is stated to be made in strict compliance of Section 8(1) of the National Security Act, 1980 and Article 22(5) of the Constitution of India. The petitioner has also prayed to declare his detention as illegal and for directing him to be released and set at liberty.

3) The said detention order is extracted below:-

ORDER

"*Whereas, the Government of Assam has carefully considered the materials placed before it, including the report of the Sr. Superintendent of Police, Golaghat district, Assam, vide Memo No. GLT/DSB/2026/674-A dated 25/07/2026, the connected case records, statements, intelligence inputs, reports and other relevant materials concerning Sri Pranab Doley, aged about 40 years, son of Shri Lokhi Doley, resident of Vill.-Panbari Mising Gaon, PO: Borjuri, P.S. Bokakhat, District Golaghat, Assam (hereinafter referred to as the detenue);*

And whereas, the Government of Assam is satisfied that the activities of the detenue, as disclosed from the aforesaid materials, are prejudicial to the maintenance of public order as well as security of the State;

And whereas, the Government has considered the nature, gravity, frequency and potential consequences of the activities attributed to the detenue and is satisfied that there is a real and imminent possibility of the detenue continuing to indulge in activities prejudicial to the maintenance of public order and security of the State, if he is not prevented from doing so;

And whereas, the Government has also considered whether the ordinary criminal law is sufficient to prevent the detenue from continuing such activities and, upon consideration of the materials placed before it, is satisfied that preventive detention is necessary for preventing the detenue from acting in a manner prejudicial to the maintenance of public order and security of the state;

Now, therefore, in exercise of the powers conferred by Section 3(2) of the National Security Act, 1980, the Government of Assam hereby directs that Sri Pranab Doley be detained and kept in custody in the District Jail, Golaghat, with a view to preventing him from acting in any manner prejudicial to the maintenance of public order and security of the State.

Since, the material placed before the Government reveals that the detenue is already in the Judicial Custody and lodged in District Jail, Golaghat; the Superintendent of District Jail, Golaghat is directed herewith to execute the detention order.

The detenue shall be informed of the grounds of detention within the timeframe stipulated under section 8 of National Security Act and shall be afforded earliest opportunity of making a representation against this order to the State Government and/or the Advisory Board, NSA in accordance with Article 22(5) of the Constitution of India and Section 8 and 10 of the National Security Act, 1980.

The Superintendent of District Jail, Golaghat shall take necessary steps for execution of this order in the manner provided for the execution of warrants under the Bharatiya Nagarik Suraksha Sanhita (BNSS) / Code of Criminal Procedure.

By order and in the name of the Governor of Assam."

Digitally signed by:
Commissioner & Secretary to the Govt. of Assam
Home & Political Department

4) The grounds of detention are extracted below:-

GOVERNMENT OF ASSAM
POLITICAL (A) DEPARTMENT
2nd Floor, I Block, Assam Secretariat, Dispur, Guwahati-6
Telefax No. 0361-2261421 :: e-Mail: home.assam@gov.in

No. eCF-821601/84 *Dated Dispur, the 30th July, 2026*

Communication of Grounds of detention of Sri Pranab Doley, S/o- Shri Lokhi Doley, Vill- Panbari Mising Gaon, PS- Bokakhat, Dist- Golaghat, Assam under section 8(1) of the National Security Act, 1980.

To,
Sri Pranab Doley,
S/o- Shri Lokhi Doley,
R/o- Vill- Panbari Mising Gaon,
PS- Bokakhat, Dist- Golaghat, Assam.

1. *You were born in the year 1985. Your permanent address is Vill- Panbari Mising Gaon, PS- Bokakhat, Dist- Golaghat, Assam. You are a Post Graduate in Social Work.*

2. *It appears from police records and intelligence inputs that there are serious criminal charges against you involving public disorder, violence, criminal intimidation, and obstruction of justice. The charges also include offences against women, public servants, hate incitement, extortion, threats, communal violence.*

3. *The following cases were registered against you wherein incitement of hatred against the state and violence amongst communities, obstruction of officials from discharging lawful duties, extortion, threat to kill and assault and outraging of modesty was charged against you:*

Sl No	Name of PS	Case Reference with Section of Law	Present Status of the Case	Related Documents
1	Boka-khat PS	Bokakhat PS Case No. 82/2017 U/S 147/447/353/506 IPC.	CS No. 78; Dtd. 30/07/2017	Annexure - I FIR Copy
2	Boka-khat PS	Bokakhat PS Case No. 86/2017, U/S 448/353/506/34 IPC	CS No. 57, Dtd. 31/05/2017	Annexure - II FIR Copy

3	Gola-ghat PS	Golaghat PS Case No. 457/2017, U/S 307/353/34 IPC	CS No. 112, Dtd. 28/04/2018	Annexure - III FIR Copy
4	Boka-khat PS	Bokakhat PS Case No. 197/2018, U/S 143/353/188 IPC	CS No. 294, Dtd. 31/12/2020	Annexure - IV FIR Copy
5	Boka-khat PS	Bokakhat PS Case No. 290/2018, U/S 109/188/353/34 IPC	CS No. 83, Dtd. 30/04/2020	Annexure - V FIR Copy
6	Boka-khat PS	Bokakhat PS Case No. 162/2020, U/S 188/143/294(A)/353/506 IPC, R/w Sec. 51 of DM Act.	CS No. 166, Dtd. 31/08/2020	Annexure - VI FIR Copy
7	Boka-khat PS	Bokakhat PS Case No. 308/2020, U/S 141/142/143/188/341/353 IPC	CS No. 201, Dtd. 30/09/2020	Annexure - VII FIR Copy
8	Derg-aon PS	Dergaon PS Case No. 267/2020, U/S 141/142/143/109/353 IPC	Pending (High Court stay order)	Annexure - VIII FIR Copy
9	Boka-khat PS	Bokakhat PS Case No. 186/2023, U/S 109/353/332/34 IPC	CS No. 45, Dtd. 31/05/2024	Annexure - IX FIR Copy
10	Boka-khat PS	Bokakhat PS Case No. 06/2024, U/S 143/341/283/285 IPC	CS No. 58, Dtd. 29/07/2024	Annexure - X FIR Copy
11	Boka-khat PS	Bokakhat PS Case No. 11/2024, U/S 353/294/34 IPC	CS No. 36, Dtd. 30/04/2024	Annexure - XI FIR Copy
12	Boka-khat PS	Bokakhat PS Case No. 90/2024, U/S 61(2)/308(3)/294(4)/74/351(2) BNS	CS No. 96, Dtd. 21/11/2024	Annexure - XII FIR Copy
13	Boka-khat PS	Bokakhat PS Case No. 108/2026, U/S 61(2)/191(2)/191(3)/190/329(3)/324(2)/324(3)/ 221/132/121(1)/121(2)/351(3)/74/326(g)/62 BNS	Pending for Investigati-on.	Annexure - XIII FIR Copy

4. *It transpires from the afore-mentioned police cases registered against you that you have repeatedly engaged in various criminal acts and acted in a manner prejudicial to the maintenance of Public Order and attempts to commit obstruction and assault of public servants, unlawful assembly, rioting, criminal trespass, wrongful restraint, criminal intimidation, disobedience of lawful orders promulgated by public authorities, use of criminal force, extortion, outraging the modesty of women, assault, attempts to commit mischief by fire, and organised acts of violence against government officials and public authorities.*

5. *It has also been reported that you have been found to be involved in various activities starting from road blockades to damage of public properties with an intent to create lawlessness for your personal and vested interests.*

6. *Further it also appears from the records of the cases registered against you that you have indulged in suspicious foreign transactions from doubtful sources in violation of the Foreign Contribution (Regulation) Act (FCRA) which is detrimental and inimical to the security of the state. You are in receipt of suspicious remittances from doubtful sources in your two bank accounts as shown below:*

State Bank of India Account of Pranab Doley, Account No. 40052269214, IFSC Code:SBIN0009403

Forex Transaction-

SL No.	Date	Forex Amount	INR Amount
1.	16-01-2025	FOREX TXN USD 393 @ 85.65 0111125TP0043420	Rs. 33,660

** Total Forex Amount Rs. 33,660*

Domestic Transaction-

SL No.	Date of Credit	Highest Amount Credited Amount
1.	18/05/2021	Rs. 2,00,000 (Environics Trust)
2.	15/02/2023	Rs. 3,69,329 (Environics Trust)

** Total Domestic Amount= Rs. 5,69,329*

State Bank of India Account of Pranab Doley. Account No. 00000030775096388. IFSC Code SBIN0009403

Forex Transaction-

SL No.	Date	Forex Amount	INR Amount
1.	22 October, 2018	FOREX TXN EUR 1751.1 @ 83.13 0111118TP0964314	Rs. 1,45,569
2.	8 June, 2022	FOREX TXN EUR 955 @ 81.57 0111122TP08191ELEONORA FA	Rs. 77,899
3.	1 August, 2022	FOREX TXN Consultancy Fee for Legal Service 0007822TP000036	Rs. 1,79,180
4.	July, 2023	FOREX TXN USD 246 @ 81.27 0111123TP110313	Rs. 19,992

** Total Forex Amount Rs. 4,22,640*

7. *As per police records, you have visited the following countries on the respective dates as shown below but there is no details of air travel, food expenses, accommodation, local transportation and other personal expenses and from which source you received the money:*

SL No.	Date of Visit	Countries Visited
1.	26/09/2017	Italy
2.	04/04/2019	Thailand
3.	10/04/2019	Spain
4.	23/03/2023	Thailand
5.	09/06/2024	Malaysia
6.	20/09/2024	Thailand
7.	22/11/2024	United Arab Emirates
8.	22/01/2025	Nepal
9.	03/05/2025	Norway
10.	22/06/2025	Philippine
11.	13/09/2025	Philippine
12.	25/10/2025	Thailand
13.	21/11/2025	Switzerland
14.	19/04/2026	Nepal

8. *Your repeated involvement in various road blockades, strikes and inciting tension between different communities that disrupt the prevailing law and order in the Golaghat district is supported by the following intelligence reports that have been sent regularly from the O/O the Sr. Superintendent of Police, Golaghat and also Morigaon district:*

SL No.	Extract of SITREP	Attachment
1	On 24/04/2017 at 9:00 PM, Bokakhat Police arrested Shri Soneswar Narah (40), Adviser of Jeepal, son of Shri Umakanta Narah, a resident of Village Mori Dhansiri, P.S. Bokakhat, District Golaghat, and Shri Pranab Doley (30), General Secretary of Jeepal, son of Shri Lakhi Doley, a resident of Village Panbari Adarsha gaon, P.S. Bokakhat, District Golaghat. They were arrested in connection with Bokakhat P.S. Case No. 82/2017 under Sections 147, 447, 353, and 506 of the IPC and were forwarded to the SDJM Court, Bokakhat, on 25/04/2017.	Annexure - XIV Extract of SITREP dated 25/04/2017
2	On 08/05/2018, from 1130 hrs to 1230 hrs, around 50 members/supporters of TMPK, TMMK, MMK, and Jeepal, Bokakhat Committee, jointly led by Shri Prasanta Loying (President, TMPK) and Shri Pranab Doley (General Secretary, Jeepal), staged an Abasthan Dharmaghat in front of the office of the SDPO, Bokakhat. They demanded the immediate arrest of the SDPO, Bokakhat, and his subordinate staff in connection with the alleged murder of one Momita Doley Kalita at the premises of the SDPO Office, Bokakhat. They also	Annexure - XV Extract of SITREP dated 08/05/2018

	demanded a Magistrate's inquiry into the alleged murder, the forensic report of the case, and payment of Rs. 20 lakh as compensation to the victim's family by the Government, among other demands. The protesters submitted a memorandum addressed to the Hon'ble Chief Minister of Assam through the SDO (Civil), Bokakhat, regarding their demands. In this connection, Bokakhat P.S. Case No. 191/2018 under Sections 376 and 302 of the IPC had already been registered against the accused, Mintu Kr. Nath (Home Guard), and the case was taken up for investigation.	
3	On 17/10/2023, from 1130 hrs to 1500 hrs, approximately 300 members/supporters of KMSS, Jeepal Krishak Shramik Sangha, Raijor Dal, and the AATSA Bokakhat Committee, led by Shri Akhil Gogoi (MLA, Sivasagar LAC), Shri Soneswar Narah (Jeepal), Shri Pranab Doley (Social Activist), and Shri Surajit Paik (President, AATSA Bokakhat Committee) took out a protest rally from Bokakhat Lotabari to the Office of the SDO (Civil), Bokakhat. The rally was organized in protest against the issuance of notices vide No. BRQ-6/2023/21 dated 09/10/2023 by the SDO (Civil), Bokakhat, to the residents of Borbil Mising Gaon, Bhuyan Gaon, Rangajan-Hatikhuli of No. 2 Sildubi, and Seujipar Gaon regarding the proposed inclusion of these villages within Kaziranga National Park by the civil administration. The protesters demanded that: (1) the residents be allowed to continue living in their present locations, as they are natives of Assam (2) if eviction became necessary for the inclusion of the land within Kaziranga National Park, the land occupied by the residents of No. 2 Sildubi Mising Gaon (Borbil Gaon), Bhuyan Gaon, and Seujipar Gaon should first be converted into Myadi land, after which its value should be determined in accordance with the law, and each affected family should be provided with a separate plot for rehabilitation and (3) in addition to compensation for the land, adequate compensation should also be provided for standing crops, trees, damaged houses, transportation to the new settlement, and construction of new houses. Representatives of Raijor Dal, Jeepal Krishak Shramik Sangha, and KMSS submitted separate memoranda addressed to the Hon'ble Chief Minister of Assam through the SDO (Civil), Bokakhat, in support of their demands. The AATSA Bokakhat Committee also submitted a memorandum addressed to the SDO (Civil), Bokakhat, stating that approximately 5,000 tea tribe families had been residing in the area for a long period. The memorandum further stated that, during the government census, more than 100 residents were absent as they had gone to work in nearby tea gardens, resulting in their names being omitted from the list. Accordingly, AATSA demanded that the names of those left out be included in the list, that land pattas be issued to the eligible residents, and that appropriate compensation and rehabilitation be provided to the affected families.	Annexure - XVI Extract of SITREP dated 17/10/2023
4	On 05/01/2024 at about 1050 hrs, approximately 70 members/supporters of the Bokakhat Motor Sramik Sanstha, led by Shri Ratul Das (Secretary) and Shri Pranab Doley (Social Activist), staged a dharna in	Annexure - XVII Extract of SITREP dated 05/01/2024

	front of the ASTC Office, Bokakhat, in protest against the recently enacted law increasing the punishment for "hit-and-run" cases to imprisonment for up to 10 years. During the protest, they attempted to burn the effigies of the Hon'ble Minister of Road Transport and Highways, Government of India, and the Hon'ble Minister of Transport, Government of Assam. However, they could not succeed due to the timely intervention of the police.	
5	On 17/01/2024, from 1250 hrs to 1445 hrs, approximately 43 local residents of Dhansirimukh under Bokakhat Police Station, led by Shri Pranab Doley (Social Activist) and Shri Rajib Pegu, staged a dharna in front of the DFO Office, Bokakhat, by bringing the carcass of a buffalo calf in protest against the killing of buffaloes and cows by tigers from Kaziranga National Park.	Annexure - XVIII Extract of SITREP dated 17/01/2024
6	On 12/03/2024, from 1030 hrs to 1145 hrs, approximately 40 members/supporters of Krishak Sewa Dal, Bokakhat, and the E-Rickshaw Drivers' Association, led by Shri Pranab Doley and Shri Rajib Pegu, took out a protest rally throughout Bokakhat Town in protest against the Citizenship (Amendment) Act (CAA). They also submitted a memorandum addressed to the Hon'ble President of India and the Hon'ble Chief Minister of Assam through the Additional District Magistrate, Bokakhat.	Annexure - XIX Extract of SITREP dated 12/03/2024
7	On 07/06/2026, from 02:00 PM to 05:30 PM, the ATSU, Central Committee organized a Meeting (70) at Sindhisar Dekasang (Jagiroad PS) chaired by Sri Biman Pratim Masarang (President, ATSU, Central Committee) where Sri Litsong Rangphar (Adviser, Karbi Students Union, Hamren), Sri Pranab Doley (Adviser Human Rights, Bokakhat), Sri Nabajyoti Swargiary (Gen. Secy., BONSU), Sri Deba Kr. Pegu (Gen. Secy., AATSU), Sri Abinash Deuri (President, All Dewri Student Union), Sri Ratneswar Dewri (Adviser, TYCP), Sri Gobindra Rabha (Chief Secy., Nikhil Rabha Jatiya Parishad), Sri Dilip Bordoloi (Genl Secy., TYCP), Sri Pramud Sagra (Genl Secy., ATSU, Central Committee) and others attended. In the meeting, they mainly discussed about Jagiroad Satellite Township, opposed it and demanded to give land rights to the indigenous people.	Annexure - XX Extract of SITREP dated 07/06/2026 of Morigaon District
8	On 08/06/2026, from 12:10 PM to 01:30 PM, the ATSU, Central Committee in collaboration with Oitihashik Tiwa Raj Darbar / Tiwa Yuba Chatra Parishad / Tiwa Sahitya Sabha / Tiwa Buddhijibi Manch / Sadou Tiwa Suraksha Samity / Sadou Asom Gorkha Chatra Sanstha, Morigaon District Committee led by Sri Biman Pratim Masarang(President, ATSU, Central Committee) and Sri Pramud Sagra (General Secretary, ATSU, Central Committee) in presence of Sri Litsong Rangphar (Adviser, Karbi Students Union, Hamren), Sri Pranab Doley, (Adviser Human Rights, Bokakhat), Sri Nabajyoti Swargiary (General Secretary, Bodo National Students' Union), Sri Deba Kr. Pegu (General Secretary, AATSU), Sri Abinash Deuri (President, All Dewri Student Union), Sri Gobindra Rabha (Chief Secretary, Nikhil Rabha Jatiya Parishad), Sri Ratneswar Dewri (Adviser, TYCP), Sri Dilip	Annexure - XXI Extract of SITREP dated 08/06/2026 of Morigaon District

	Bordoloi (General Secretary, TYCP) carryout a Protest Procession (250) from Amlighat Playground (Jagiroad PS) in protest against Jagiroad Satellite Township and demanded inclusion of TAC under 6th schedule of Indian Constitution. The procession paraded towards Deosal Shiv Mandir and terminated to the starting point.	
9	On 28/06/2026 at around 1145 hrs, a meeting was conducted at Rangajan Field near Hatikhuli, Kohora under Bokakhat Police Station by the following persons: (1) Shri Amit Nag, President, Jay Bharat Party, Golaghat (2) Shri Pranab Doley, Organising Secretary, Kaziranga Bhoomi Suraksha Committee (3) Shri Rajiv Pegu, Member, Kaziranga Bhoomi Suraksha Committee (4) Shri Mrinali Gowala; (5) Shri Manoj Gowala; (6) Smt. Geeta Gowala (7) Shri Prabin Gowala; (8) Shri Aniruddha Gowala (9) Smt. Seema Gowala; (10) Smt. Rashmi Mura (11) Smt. Kisan, along with approximately 50 other participants. After concluding the meeting, at around 1430 hrs, the participants proceeded to Hatikhuli Bagicha Revenue Village, the construction site of the ATDC project and the proposed Assam Tea Tribe Museum. They attempted to enter the construction site of the proposed museum. The police party tried to stop them; however, some of the protesters were armed with daos and bamboo sticks. The protesters claimed that the land belonged to them and stated that they intended to resume farming on the land. They forcefully entered the ATDC-Hyatt project site and removed the survey ribbons installed by the architects engaged for the Hyatt project. When the police party intervened to prevent their entry, a scuffle ensued, during which some police personnel sustained injuries. The protesters raised the following demands: 1. The construction work should be stopped immediately. 2. The police deployment at the ATDC-Hyatt project site should be withdrawn. 3. An immediate meeting should be arranged with the DC.	Annexure - XXII Extract of SITREP dated 28/06/2026
10	On 29/06/2026, the complainant, SI Sujib Basumatary, S/O Shri Khargeswar Basumatary, In-charge of Law and Order Duty and Security-related duty under Kohora Outpost, lodged an FIR stating that on 28/06/2026, at about 1145 hrs, Shri Amit Nag, President, Jay Bharat Party, Golaghat; Shri Partha Keot of Jay Bharat Party; Shri Rabi Tanti of Jay Bharat Party, Golaghat; Shri Lakhan Sewa of AATSA, Jorhat; Shri Rahul Tanti of Adivasi Sah Janagusti Ganamukti Parisad Asom, Golaghat; Shri Pranab Doley of the Kaziranga Bhoomi Suraksha Committee; Shri Rajiv Pegu of the Kaziranga Bhoomi Suraksha Committee; Shri Bhaskar Saikia of the Kaziranga Bhoomi Suraksha Committee; Shri Mrinali Gowala, Shri Manoj Gowala, Smt. Geeta Gowala, Shri Prabin Gowala, Shri Aniruddha Gowala, Smt. Seema Gowala, Smt. Rashmi Mura, Smt. Kisan, and about 50 (fifty) other persons assembled at Rangajan Field, Hatikhuli, Kohora, where they organized a meeting regarding the ongoing Government project at Hatikhuli Bagicha Revenue Village.	Annexure - XXIII Extract of SITREP dated 12/07/2026

	After the meeting, at about 1430 hrs, the aforesaid persons, in a pre-planned manner and armed with deadly weapons such as machetes, sharp sticks, and other weapons, proceeded to Hatikhuli Bagicha Revenue Village and criminally trespassed into the site of the proposed Tea Tribes Museum and thereafter trespassed into the nearby ATDC-Hyatt Project. The police party deployed at the site formed a cordon at the periphery and repeatedly requested them to disperse. However, the unlawful assembly ignored the lawful directions of the police, forcibly entered the premises, and started removing the survey ribbons and other demarcation materials installed by the architects of the Hyatt Project. They also raised anti-government slogans. Thereafter, the unlawful assembly proceeded towards the cement mixer machine inside the ATDC-Hyatt Project, threatened the construction workers with dire consequences, and compelled them to flee from the worksite. The unlawful assembly then attempted to damage the cement mixer, tore the tarpaulin used to cover the machine, poured kerosene from a nearby container over it, and attempted to set it on fire. However, the police personnel on duty successfully prevented them from committing the act. While the police were lawfully discharging their official duties and preventing the commission of the above offences, the accused persons assaulted the police personnel, thereby deterring them from discharging their lawful duties. As a consequence, a total of 12 police personnel, including senior police officers, sustained injuries, while one woman police officer sustained grievous injuries. While using criminal force, the male accused persons also outraged the modesty of the women police personnel by inappropriately touching them. More particularly, the accused persons kicked and slapped both women and male police personnel, including the Co-District Superintendent of Police, Bokakhat, the Officer-in-Charge of Kohora Outpost, and the complainant. Due to the criminal force used against the on-duty police personnel, a polycarbonate shield was also damaged. On the instigation of Shri Amit Nag, Shri Pranab Doley, Shri Rajiv Pegu, Shri Partha Keot, Shri Rahul Tanti, and Shri Lakhan Sewa, the unlawful assembly staged a sit-in protest inside the project premises and refused to vacate the area despite repeated lawful requests by the police. Considering the heavy rainfall, muddy conditions, and the risk of further injuries, the police repeatedly requested them to shift to a nearby public place; however, they deliberately refused. Consequently, the Executive Magistrate was informed and arrived at the spot. After the arrival of the Executive Magistrate, Shri Amit Nag allegedly admitted that they had assaulted and strangulated police personnel because the Government had not accepted their demands and further stated that assaulting police personnel, including women police personnel, was not a serious matter. He, along with Shri Pranab Doley and others, again instigated the crowd and allegedly threatened that they would bring more persons from Silchar, Dibrugarh, Sivasagar, Tinsukia, and Khumtai and, if their demands were not fulfilled, would mobilize tea	

	garden workers from across Assam to launch further agitations, including road blockades, and paralyse the administrative machinery. In this regard, Bokakhat P.S. Case No. 108/2026 was registered under Sections 61(2), 191(2), 191(3), 190, 329(3), 324(2), 324(3), 221, 132, 121(1), 121(2), 351(3), 74, 326(g), and 62 of the Bharatiya Nyaya Sanhita (BNS). In course of investigation, on 12/07/2026, Shri Bijit Kutum (41 years), S/o Shri Ghanakanta Kutum, R/o Balijan (Part-1), P.S. Bokakhat, District Golaghat; Shri Pranab Doley (40 years), S/o Shri Lakhi Doley, R/o Kalyanpur, Ward No. 2, P.S. Bokakhat, District Golaghat; and Shri Amit Nag (42 years), S/o Shri Bijay Nag, R/o No. 1 Butolikhowa, Hautoly, P.S. Kamargaon, District Golaghat, were arrested. The case is presently under investigation.	
11	On 03/07/2026 at about 1225 hrs, a group of approximately 40 persons, led by Shri Lurinjyoti Gogoi (President, Assam Jatiya Parishad), Shri Swakhya Borgohain (General Secretary, Jatiya Yuva Shakti), Shri Amit Khataniar (Vice President, Assam Jatiya Parishad), Shri Raju Phukon (Convenor, Assam Jatiya Parishad), Shri Ankur Pradip Gogoi (Central President, Jatiya Yuva Shakti), Shri Runu Saikia (Golaghat District President, Assam Jatiya Parishad), Shri Rebo Gogoi (Member, Assam Jatiya Parishad), Shri Kanak Gogoi (Secretary, State Committee, Assam Jatiya Parishad), Advocate Krishna Gogoi, Shri Pranab Doley and Shri Rajib Pegu (both members of the Greater Kaziranga Land and Human Rights Protection Committee), along with Smt. Geeta Gowala and Smt. Minali Gowala (members of tea garden families residing near the proposed Hyatt Hotel Project and Tea Museum at Hatikhuli Bagicha Revenue Village, Hatikhuli, under Kohora Outpost, Bokakhat Police Station), assembled in front of the residence of Smt. Geeta Gowala at Hatikhuli Bagicha Revenue Village, Rangajan under Kohora Outpost, Bokakhat Police Station. They conducted a meeting regarding the construction of the proposed Hyatt Hotel Project and the Tea Museum at the said site. After the meeting, at about 1340 hrs, the group attempted to enter the boundary of the Hyatt project site with the intention of stopping the ongoing construction work. The Circle Officer, Bokakhat Revenue Circle, the Additional Superintendent of Police (Headquarters), Golaghat, the Additional Superintendent of Police (Crime), Golaghat, the In-charge, Co-District Superintendent of Police, Bokakhat, and the Officer-in-Charge, Bokakhat Police Station, arrived at the spot and restrained them from entering the project site. It was reported that Shri Pranab Doley and Shri Rajib Pegu instigated the gathering to become violent. The Circle Officer interacted with the leaders of the group regarding their concerns. At around 1430 hrs, the group dispersed from the project site and again assembled in front of the residence of Smt. Geeta Gowala. At about 1500 hrs, the gathering dispersed peacefully from the location.	Annexure - XXIV Extract of SITREP dated 03/07/2026

It is therefore considered essential to prevent you from acting in any manner

prejudicial to the security of the State or from acting in any manner prejudicial to the maintenance of Public order by detaining you under section 3(2) of the National Security Act, 1980.

You are, however, informed that you have the right to make a representation and you may submit your representation against the order of detention to the Central Government, the State Government, the detaining authority or the Advisory Board, NS Act, 1980, through the Supdt. of District Jail, Golaghat, if you so desire. You may also request a personal hearing to the Advisory Board.

This communication is made in strict compliance with the provisions of section 8(1) of the National Security Act, 1980 and Article 22(5) of the Constitution of India.

Digitally signed by
DIGANTA BARAH
Date: 30-07-2026
(Shri Diganta Barah, IPS)
Commissioner & Secretary to the Government of Assam
Home & Political Department.

5) On being served with the detention order and grounds of detention through the Superintendent of District Jail, Golaghat, the petitioner had submitted a representation dated 04.08.2026 to the Secretary to the Govt. of Assam, Home and Political Department. Thereafter, on 05.08.2026, the father of the petitioner, namely, Sri Lokhi Doley had submitted applications to (i) the Superintendent of District Jail, Golaghat, and (ii) the Assistant Jailor, District Jail, Golaghat to permit family members, next friend and engaged counsel to meet the petitioner. It has been projected that as the relatives, next friend and engaged learned counsel were not permitted to meet the petitioner, the father of the petitioner had approached this Court by filing a writ petition and this Court by order dated 07.08.2026, passed in W.P.(C) No. 4237/2026, directed the petitioner to approach the District Magistrate, Golaghat to meet his son, i.e. the

detenu along with his next friend and it was provided that it is for the Superintendent of District Jail, Golaghat to facilitate such appointment as and when sought for by the petitioner with his next friend with him, in the same manner as observed in paragraph 10 in *Francis Coralie Mullin v. Administrator, Union Territory of Delhi & Ors., (1981) 1 SCC 608*. It was further provided that the detenu is also to be permitted to have interview with a legal advisor of his choice at any reasonable hour during the day after taking appointment from the Superintendent of District Jail, Golaghat, which appointment should be given by the Superintendent without any avoidable delay and if required, a jail official may watch the interview without being present within hearing distance of the detenu and regulate it in the same manner as observed in paragraph 12 in the case of *Francis Coralie Mullin (supra)*.

6) It has been projected that only after the said order of this Court that the petitioner was allowed to meet his learned counsel on 08.08.2026 and thereafter, submitted representations addressed to the respondent nos. 1 and 2 through the respondent no. 6 for revocation of the detention order. The said representation was rejected by the Additional Chief Secretary to the Government of Assam, Home and Political Department, Political (A) Department vide order no. eCF-821601/132 dated 14.08.2026.

7) The petitioner was served with a copy of wireless message dated 24.08.2026, issued by the Ministry of Home Affairs, Government of India by which representation of the petitioner against his detention was not acceded to. The same was served to the petitioner though the Superintendent of District Jail, Golaghat.

8) The learned senior counsel for the petitioner had submitted that his submissions against the impugned detention order is on the following broad

points, viz., (a) non-consideration of the bail order dated 29.07.2026; (b) detention order was passed to frustrate or defeat the bail order; (c) the satisfaction of the detaining authority is based on cases of acquittal and on stale incidents; (d) the grounds of detention is a repetition of allegations made by the State, which were already considered and not accepted by the Court while granting bail; (e) the allegations do not relate to public order or security of the State; (f) the detaining authority had placed reliance on peaceful protest and memorandum submitted by the petitioner and other protestors; (g) bank transactions and foreign travel are irrelevant considerations; (h) vague grounds and non-supply of documents; (i) denial of access to family and counsel; (j) non-consideration and delay in consideration of representations.

9) In support of the said submissions, the following cases were cited:-

a. *Dharamdas Shamlal Agarwal v. Police Commissioner & Anr. (1989) 2 SCC 370*
b. *M. Ahamedkutty v. Union of India (1990) 2 SCC 1*
c. *Joyi Kitty Joseph v. Union of India & Ors. (2025) 4 SCC 476*
d. *Ameena Begum v. State of Telangana (2023) 9 SCC 587*
e. *Banka Sneha Sheela v. State of Telangana (2021) 9 SCC 415*
f. *Shaik Nazneen v. State of Telangana (2023) 9 SCC 633*
g. *Nenavath Bujji v. State of Telangana 2024 INSC 239*
h. *Dhanya M. v. State of Kerala 2025 INSC 809*
i. *Anu @ Aniket Through his Father as Next Friend Krupal Singh Thakur vs Union of India Criminal Appeal No. 2929/2025*
j. *Khaja Bilal Ahmed v. State of Telangana (2020) 13 SCC 632*
k. *V. Shantha v. State of Telangana (2017) 14 SCC 577*
l. *Ramchandra A. Kamat v. Union of India (1980) 2 SCC 270*
m. *Dr. Ram Manohar Lohia v. State of Bihar AIR 1966 SC 740*
n. *Dipak Bose alias Naripada v. State of West Bengal (1973) 4 SCC 43*

o. *Icchu Devi Choraria v. Union of India (1980) 4 SCC 531*

p. *Kamla Kanyalal Khushalani v. State of Maharashtra & Anr. (1981) 1 SCC 748*

q. *Sophia Gulam Mohd. Bham v. State of Maharashtra (1999) 6 SCC 593*

r. *Jaseela Shaji v. Union of India 2024 INSC 681*

s. *Dishant Goel v. Union of India CRWP-9307-2025*

t. *Lala Paite v. State of Manipur & Ors. 1999 (3) GLT 236*

u. *Narinder Singh Suri v. Union of India & Ors. (1980) 2 SCC 357*

v. *Saleh Mohammed v. Union of India & Ors. (1980) 4 SCC 428*

w. *Rongjam Momin v. Union of India 2006 (3) GLR 328*

x. *Sabir Ahmed v. Union of India (1980) 3 SCC 295*

y. *Satyapriya Sonkar v. Superintendent, Central Jail, Naini 1999 SCC OnLine All 1628*.

10) Per contra, the learned Addl. Advocate General has point-wise submitted as follows:-

a. As regards the allegation of non-consideration of the bail order dated 29.07.2026 is concerned, it was submitted that the bail granted to the petitioner on 29.07.2026 was uploaded only on 30.07.2026, but the certified copy of the order was not available with the detaining authority.

b. As regards the allegation that the detention order was passed to frustrate or defeat the bail order, the submissions made in foregoing sub-paragraph was reiterated.

c. As regards the allegation that the satisfaction of the detaining authority is based on cases of acquittal and on stale incidents, it was submitted that the petitioner was found to be involved in a number of criminal cases over a period of time, which were taken into

consideration by the detaining authority while passing the detention order. It was submitted that the competent authority had considered the nature and gravity, frequency and overall pattern of the activities of the detenu. It was submitted that the petitioner was acquitted in some cases because the witnesses turned hostile due to threats and intimidation and moreover, some witnesses did not turn up. Thus, the competent authorities had reasons to believe that the witnesses were being influenced by creating fear. Hence, it was submitted that the fact that the petitioner was acquitted in a few cases, by itself, does not render the order of preventive detention as invalid.

In the said regard, it was stated that the petitioner was involved in the following cases, viz., (1) Bokakhat P.S. Case No. 82/2017, under Section 147/447/353/506 IPC; (2) Bokakhat P.S. Case No. 86/2017, under Section 448/353/506/34 IPC; (3) Golaghat P.S. Case No. 457/2017, under Section 307/353/34 IPC; (4) Bokakhat P.S. Case No. 197/2018, under Section 143/353/188 IPC; (5) Bokakhat P.S. Case No. 290/2018, under Section 109/188/353/34 IPC; (6) Bokakhat P.S. Case No. 162/2020, under Section 188/143/294(A)/353/506 of IPC read with section 51 DM Act; (7) Bokakhat P.S. Case No. 308/2020, under Section 141/142/143/188/341/353 IPC; (8) Dergaon P.S. Case No. 267/2020, under Section 141/142/143/109/353 IPC; (9) Bokakhat P.S. Case No. 186/2023, under Section 109/353/332/34 IPC; (10) Bokakhat P.S. Case No. 06/2024, under Section 143/341/283/285 IPC; (11) Bokakhat P.S. Case No. 11/2024, under Section 353/294/34 IPC; (12) Bokakhat P.S. Case No. 90/2024, under Section 61(2)/308(3)/ 294(4)/74/351(2) BNS; and (13) Bokakhat P.S. Case No. 108/2026,

under Section 61(2)/191(2)/191(3)/190/329(3)/324(2)/ 324(3)/221/ 132/121(1)/121(2)/351(3)/74/326(g)/62 BNS, as reflected in the official records.

d. As regards the allegations that the grounds of detention is a repetition of allegations made by the State, which were already considered and not accepted by the Court while granting bail, it was submitted that the detaining authority had considered all the relevant factors and moreover, the bail order dated 29.07.2026, was not served to the Government functionaries till the time the detention order was passed.

e. As regards the submissions that the allegations do not relate to public order or security of the State, it was submitted that the demonstration was not peaceful though after meeting the officials, memorandums were submitted to the authorities.

f. As regards the allegations that the detaining authority had placed reliance on peaceful protest and memorandum submitted by the petitioner and other protestors, it has been submitted that the grounds of detention clearly reveals that materials were available before the detaining authority that the activities of the petitioner and other protestors along with him were violent, which had disturbed the law and order and also had the potential to disturb public order, for which the petitioner had to be kept in preventive detention.

g. As regards the allegations that the bank transactions and foreign travel are irrelevant considerations, it was submitted that the authorities had recorded their satisfaction that the petitioner had

indulged in suspicious foreign transaction from doubtful sources in violation of Foreign Contribution (Regulation) Act, which is detrimental and inimical to the security of the State. The doubtful foreign exchange transactions in the petitioner's bank account, referred to by the learned Addl. Advocate General, are extracted hereinbefore, being a part of the Grounds of Detention.

h. As regards the allegations that the grounds of detention are vague grounds and that relevant documents were not supplied, the learned Addl. Advocate General had denied the same.

i. As regards the allegations regarding denial of access to family and counsel, it was submitted that as the petitioner is under preventive detention, one intending to meet the detenu has to apply before the competent authority to meet him.

j. As regards, the allegations regarding non-consideration and/or delay in consideration of representations, the same is denied.

11) The learned CGC appearing for respondent no.1 has referred to the affidavit-in- opposition filed by the respondent no. 1 and had submitted that the respondent no. 1 has duly explained the time taken for disposal of the representation submitted by the petitioner. It was submitted that representation dated 10.08.2026 was never served on the respondent no.1. Moreover, it was submitted that since the detaining authority is the State Government, he is adopting the submissions made by the learned Addl. Advocate General.

Reasons and decision:

12) Considered the writ petition; additional affidavit filed by the petitioner; affidavit-in-opposition filed by the respondent no.2; affidavit-in- reply

filed by the petitioner; and affidavit-in-opposition filed by the respondent no.1. Also considered the cases cited at the Bar.

13) *Stale criminal cases:*

a. The detaining authority, in order to detain the petitioner, had recorded its satisfaction that the petitioner is a person with criminal background and is accused in many criminal cases and 13 (thirteen) criminal cases against the petitioner are referred in the grounds of detention. In respect of those cases, the petitioner was supplied with copy of the FIR in all the said 13 cases. However, in his affidavit-in-opposition, the petitioner has taken a specific stand, disclosing the status of the cases. Out of the 13 (thirteen) cases, the petitioner has stated that he was acquitted in 9 (nine) cases, being Bokakhat P.S. Case Nos. 82/2017, 86/2017, 290/2018, 162/2020, 308/2020, 186/2023, 6/2024, 11/2024 and Golaghat P.S. Case No. 457/2017. He was discharged in Bokakhat P.S. Case No. 201/2024. The proceeding of Dergaon P.S. Case No. 267/2020 was stayed by this Court. The proceeding of Bokakhat Case No. 197/2018 was pending at evidence stage. Moreover, in Bokakhat P.S. Case No. 108/2026, the investigation was pending and charge-sheet was not yet submitted.

b. Thus, out of 13 referred cases, only three proceeding were live, out of which one was stayed; one is under investigation; and one is at evidence stage.

c. The learned Addl. Advocate General had strenuously submitted that the inputs of the police and investigating agencies was that the petitioner got acquittal in criminal cases because the witnesses were

threatened and intimidated. However, it does not appear that in the grounds of detention, the allegation that the witnesses of 9 (nine) cases where the petitioner was discharged were threatened, has been stated.

d. It has been alleged in the affidavit-in-opposition that the witnesses were threatened, but the same is not a part of the grounds of detention. Moreover, the material based on which it has been stated in the affidavit-in- opposition filed by respondent no. 2 that the witnesses have been threatened, leading to acquittal of the petitioner has not been furnished to the petitioner. It has been stated in paragraph 20 of the affidavit in opposition that "… *It is pertinent to mention herein that in some of the aforesaid cases, the petitioner came to be acquitted, inter alia, on account of witness turning hostile or the prosecution being unable to examine material witness. The fact of acquittal was duly taken into consideration; however, the competent authority also considered the circumstances reflected in the investigation materials and reports placed before it.*"

e. Thus, from the statement made in paragraph 20 of the affidavit-in-opposition filed by the respondent no. 2, it is apparent that the material facts were withheld in the grounds of detention that the petitioner was discharged in one case and acquitted in nine cases. On a careful perusal of the detention order and the grounds of detention, it is seen that the detaining authority has not even referred to the fact of the petitioner being discharged and acquitted in one and nine cases respectively. As against Dergaon P.S. Case No. 267/2020, which is stated in the grounds of detention to have been stayed by this Court, it

has not been mentioned as to whether charge-sheet has or not been submitted.

f. Therefore, at the time of making proposal, the sponsoring authority is either deemed to be unaware of the discharge and/or acquittal in cases which are referred hereinbefore or had suppressed material fact from the Detaining Authority. Moreover, the Detaining Authority, at the time of issuing the detention order, did not make any enquiry regarding the then status of the cases against the petitioner. Therefore, the detaining authority had no occasion to consider whether the detention was at all necessary in this case, without following due process of law of assailing the orders of acquittal and/or discharge of the petitioner.

g. The Supreme Court of India, in the case of *Dharamdas Shamlal Agarwal (supra)*, had observed and held as follows:-

> ***9***. *… As ruled by this Court in Shiv Ratan Makim v. Union of India, (1986) 1 SCC 404, "even if a criminal prosecution fails and an order of detention is then made, it would not invalidate the order of detention" because as pointed out by this Court in Mohd. Subrati v. State of West Bengal, (1973) 3 SCC 250, "the purpose of preventive detention being different from conviction and punishment and subjective satisfaction being necessary in the former while proof beyond reasonable doubt being necessary in the latter" the order of detention would not be bad merely because the criminal prosecution has failed. In the present case, we would make stress, not on the question of acquittal but on the question of non-placing of the material and vital fact of acquittal which if had been placed, would have influenced the minds of the detaining authority one way or the other. Similar questions arose in Sk. Nizamuddin v. State of West Bengal, (1975) 3 SCC 395 in which the detention order was passed under the provisions of Maintenance of Internal Security Act. In that case the ground of detention was founded on a solitary incident of theft of aluminium wire alleged to have been committed by the detenu therein. In respect of that incident a criminal case was filed which was ultimately dropped. It appeared on record that the history sheet of the detenu which was before the*

detaining authority did not make any reference to the criminal case launched against the petitioner, much less to the fact that the prosecution had been dropped or the date when the petitioner was discharged from the case. In connection with this aspect this Court observed as follows: (SCC p. 397, para 3)

> *We should have thought that the fact that a criminal case is pending against the person who is sought to be proceeded against by way of preventive detention is a very material circumstance which ought to be placed before the District Magistrate. That circumstance might quite possibly have an impact on his decision whether or not to make an order of detention. It is not altogether unlikely that the District Magistrate may in a given case take the view that since a criminal case is pending against the person sought to be detained, no order of detention should be made for the present, but the criminal case should be allowed to run its full course and only if it fails to result in conviction, then preventive detention should be resorted to. It would be most unfair to the person sought to be detained not to disclose the pendency of a criminal case against him to the District Magistrate."*

***10**. It is true that the detention order in that case was set aside on other grounds but the observation extracted above is quite significant. The above observation was subsequently approved by this Court in Suresh Mahato v. The District Magistrate, Burdwan, (1975) 3 SCC 554 and in Asha Devi v. K. Shivraj, Addl. Chief Secretary to the Govt. of Gujarat, (1979) 1 SCC 222. In the latter case (i.e. Asha Devi), it has been pointed out: (SCC p. 227, para 6)*

> *...if material or vital facts which would influence the minds of the detaining authority one way or the other on the question whether or not to make the detention order, are not placed before or are not considered by the detaining authority it would vitiate its subjective satisfaction rendering the detention order illegal.*

* * *

***12**. From the above decisions it emerges that the requisite subjective satisfaction the formation of which is a condition precedent to passing of a detention order will get vitiated if material or vital facts which would have bearing on the issue and weighed the satisfaction of the detaining authority one way or the other and influenced his mind are either withheld or suppressed by the sponsoring authority or ignored and not considered by the detaining authority before issuing the detention order. It is clear to our mind*

that in the case on hand, at the time when the detaining authority passed the detention order this vital fact, namely, the acquittals of the detenu in case Nos. mentioned at Serial Nos. 2 and 3 have not been brought to his notice and on the other hand they were withheld and the detaining authority was given to understand that the trial of those cases were pending. The explanation given by the learned counsel for the respondents, as we have already pointed out, cannot be accepted for a moment. The result is that the non-placing of the material fact - namely the acquittal of detenu in the above-said two cases resulting in non-application of minds of the detaining authority to the said fact has vitiated the requisite subjective satisfaction, rendering the impugned detention order invalid.

h. It is not disclosed in the affidavit-in- opposition by the respondent no. 2 as to whether or not the status of all 13 (thirteen) criminal cases referred hereinbefore was furnished by the Sponsoring Authority to the Detaining Authority. The lack of complete and full disclosure regarding the status of criminal cases is found to vitiate the detention order on account of malice in law, otherwise there was no other reason to withheld such vital information from the Detaining Authority. The Detaining Authority had also turned its blind eye towards the same by not calling for information about the status of those cases.

i. As the petitioner is found to have been detained on the strength of stale cases, including those wherein he has been discharged and acquitted, the only inference that can be drawn under the facts of this case is that the Sponsoring Authority and the Detaining Authority, by issuing detention order, has adopted a short cut to detain the petitioner instead. As the petitioner is found to have been detained on the strength of stale cases, including those wherein he has been discharged and acquitted, the only inference that can be drawn under the facts of this case is that the Sponsoring Authority and the

Detaining Authority, by issuing detention order, has adopted a short cut to detain the petitioner instead of following due process of law by assailing the respective orders by virtue of which the petitioner was acquitted and/or discharged in criminal cases referred above.

14) *Non furnishing of relevant documents to the petitioner:*

a. It appears from the grounds of detention that only the copies of FIR of 13 (thirteen) criminal cases were provided to the petitioner. However, the copy of charge-sheets referred against 11 (eleven) cases has not been furnished to the petitioner.

b. The investigation materials which were considered by the detaining authority, as stated in paragraph 20 of the affidavit-in- opposition filed by the respondent no. 2 has also not been furnished to the petitioner.

c. In paragraph 2 of the grounds of detention, the Detaining Authority has stated as follows:-

> *2. It appears from police records and intelligence inputs that there are serious criminal charges against you involving public disorder, violence, criminal intimidation, and obstruction of justice. The charges also include offence against women, public servants, hate incitements, extortion, threats, communal violence.*

Moreover, in paragraph 5 of the grounds of detention, allegation has been made to the effect that the petitioner is found to be involved in various activities like road blockades and damages to public properties However, no particulars of the alleged offence, including place, date and time of commission of such alleged offences have been disclosed.

d. Thus, the allegations against the petitioner is vague and bereft of material particulars and thus, insufficient to enable the petitioner to

understand the specific charges against him.

e. Therefore, it is not only obvious but also admitted by the respondent no.2 that relevant facts are not disclosed in the grounds of detention and relevant documents are not furnished to the detenu. Therefore, it cannot be expected that the detenu will be able to make an effective representation before the prescribed authorities in the absence of relevant materials being furnished to the petitioner.

f. In the order dated 14.08.2026, passed by the Addl. Chief Secretary to the Govt. of Assam, Home and Political Department/ Political (A) Department (Annexure-12) of the writ petition (page-120-122), at pp. 121, sub-paragraph (b) of the first bullet point "State Government's finding & submission", by which the representation dated 04.08.2026, submitted by the petitioner was rejected, the paragraph numbering is not clear. In sub-para (b), it has been stated, *inter alia*, that police records and situation reports (SITREPs) demonstrate that under the garb of public agitation, the detenu repeatedly led armed mobs, blocked road, disrupted public peace and actively obstructed public infrastructure projects. However, the grounds of detention does not show that the police records and situation reports (SITREPs), referred therein were furnished to the petitioner.

g. In the said order dated 14.08.2026, reference has also been made to unexplained foreign travels, suspicious bank transactions involving foreign exchange, but the relevant documents in support of the above allegation were furnished to the petitioner.

h. Thus, a valuable right of the petitioner has been curtailed by the

detaining authority by non-disclosure of materials based on which the authorities had arrived at a satisfaction that the preventive detention of the petitioner was necessary.

15) *Non-consideration of the petitioner's second representation dated 10.08.2026:*

a. The petitioner has been able to *prima facie* satisfy the Court that when his first handwritten representation dated 04.08.2026 was submitted, he did not have access to family, friends and learned counsel. Thus, the first representation was submitted without consulting any family members, friends or any legal assistance whatsoever. Therefore, the father of the petitioner had to approach this Court by filing a writ petition and pursuant to the order dated 07.08.2026, passed by this Court in W.P.(C) No. 4237/2026, the petitioner was permitted to meet his family members, friend and learned counsel. Thus after intervention of this Court the petitioner met his family member, friend and leaned counsel and thereafter, the second representation dated 10.08.2026 was submitted.

b. There are conflicting stand on the point by the petitioner on one hand and the respondent no. 2 on the other hand. While the petitioner has taken a stand that on 04.08.2026, he was informed by the Jail authorities that if he does not reply to the detention order, his right to make represented would be curtailed and therefore, under mental duress, a hand written reply against his detention was made. However, the respondent no.2 has denied the same in his affidavit-in- opposition.

c. The Court is of the considered opinion that the petitioner could have

made an effective representation against his preventive detention only after having access to his family member, friend and learned counsel. Hence, for all practical purpose, the second representation was the detailed representation of the petitioner. Therefore, it was incumbent on part of the Superintendent of District Jail, Golaghat, to send the second representation dated 10.08.2026 of the petitioner to (a) The Central Government; (b) the State Government, (c) the Detaining Authority, and (d) Advisory Board.

d. In the case of *Satyapriya Sonkar (supra)*, one of the questions which required determination was whether under the scheme of the National Security Act, 1976 the detenu is entitled to make successive representation challenging his detention. On the said point of determination, the Division Bench of the Allahabad High Court had observed as follows in paragraph 15 thereof:-

> *Questions no. 2,3 and 4 are related to each other and can be conveniently consideral and decided together. There is no doubt about the legal position that the right of representation against preventive detention is constitutional and safeguard provided under Article 22 (5) of the Constitution in S. 8 of the Act is only extention of the same right. The detaining authority is required to afford the detenu earliest opportunity of making representation against the order to the appropriate government. The representation so made has to be forwarded to the Advisory Board while making the reference under S. 10 of the Act. It is also to be considered by the State Government (appropriate government) at the earliest. In addition to the aforesaid right petitioner has also a remedy under S. 14 of the Act under which Central Government and the State Government may revoke the order of detention. The relief under S. 14 of the Act may be claimed at any namely before the order of detaining authority is confirmed by the State Government under S. 12 of the Act or subsequent there to. Thus from the provisions of Act, it is clear that the right to make representation by the detenu is not confined under S. 8 only. The detenu may make a second representation to the State Government and the Central Government under S. 14 of Act for invoking the power of revocation.*

Thus the detenu can make representation more than once during the period he is under detention. Whether the successive or frequent representations amount to abuse of the right conferred under the provisions of the Act, can be dealt with by the State Government and the Central Government and not by any other authority. The submission of the learned A. GA. was that the subsequent representations can be permitted only on the basis of fresh ground which were not available at the time the first representation was made. The analogy behind this submission appears to be based on the doctrine of constructive res judicata. A Division Bench of this Court in case of Sushil Kumar v. Adhikshak, Kendriya Karagar, Naini, Allahabad, 1983 Cri LJ 744 held that the application of the doctrine of constructive res judicata is confined only to civil action and is entirely inapplicable to any illegal detention and do not bar a subsequent petition for a writ of habeas corpus. The Court also observed that Section 14 of the Act providing for revocation or modification, has a very wide scope which is not the position in the matter of habeas corpus before the Court. The relevant extract from judgment is being reproduced below:-

> *When a detention is challenged before a Court, the Court considers whether legal imperatives have been observed and the right procedure has been followed and the proper opportunity, as envisaged in Article 22 (4) of the Constitution as well as under the provisions of the Act in question, has been afforded. The Court does not examine the desirability of the detention of the detenu, which depends on so many other factors including conditions prevailing in any particular region and the need of the detention, the matter comes within the ambit of subjective satisfaction of the detaining authority. Besides, while the Court cannot modify the order as to reduce the period of detention etc. even that scope is open to the appropriate authority under S. 14 of the Act*.

e. Under the facts, which are unique to the case of the petitioner herein, the Court is in respectful agreement to the said observation made by the Division Bench of the Allahabad High Court. It was incumbent on part of the Jail authorities to forward the petitioner's representation dated 10.08.2026 and the concerned authorities, viz., State Government, Detaining Authority, Advisory Board and the Central Government, were required to dispose of the said representation at the

earliest, which was not done.

f. Thus, in this case, the non- disposal of the representation dated 10.08.2026, submitted by the petitioner, is held to be fatal to the continued preventive detention of the petitioner.

16) *Foreign travels and receipt of foreign remittances:*

a. The grounds of detention refers to foreign travel by the petitioner. In this regard, the State and the police have the information that the petitioner had visited foreign Countries on 14 (fourteen) occasions. However, in the grounds of detention, the Detaining Authority has not given the details of anti-India activity by the petitioner. The grounds of detention also does not specify in which foreign visit the petitioner made any speech or statement which has brought disrepute to the Country or has encouraged seditious activity against the Country. There is no information as to where the petitioner gave any speech or statement, which had the potential to threaten the security or integrity of the Country, territorial, moral, political, social, or otherwise.

b. Repetitive foreign visit, by itself, is not an act which would warrant preventive detention of a person and curtail his fundamental right to visit a Country of his choice.

c. Foreign remittance for a sum of Rs.33,660/- on 16.01.2025, and further 4 (four) foreign remittances for a sum of Rs.1,45,569/- on 22.10.2018, Rs.77,899/- on 08.06.2022, Rs.1,79,180/- on 01.08.2022 and Rs.19,992/- in July, 2023, does not show any live nexus with the activity of protest in which the petitioner had participated before his arrest and detention.

d. In the detention order, the foreign exchange transactions were flagged as suspicious. But the respondent no. 2 had not been able to show anything in their affidavit-in- opposition that the said foreign exchange remittances to the petitioner was the funds which the petitioner had collected by dubious means and ways to carry out his protest activities at any point of time.

e. Thus, in respect of charge or suspicious foreign remittances and foreign travel, the delay in passing the detention order had snapped the "live and proximate link" between the prejudicial activities of the petitioner and the purpose of detention and failure on the part of the detaining authority in explaining such delay in any manner.

f. Moreover, along with the grounds of detention, except for a vague allegation regarding foreign visits and suspicious foreign exchange receipts, the detaining authority has not furnished to the petitioner any materials showing how his foreign visits and receipt of foreign exchange amounts to activities that is prejudicial to the interest of the State, its security and integrity, or has affected public order.

Conclusion:

17) In light of the discussions on the four reasons referred hereinbefore, being (i) stale criminal cases; (ii) non-furnishing of relevant documents to the petitioner; (iii) non- consideration of petitioner's second representation dated 10.08.2026; and (iv) foreign travel and receipt of foreign remittances, the Court is of the considered opinion that the said four reasons are sufficient to hold that the impugned order of preventive detention of the petitioner is vitiated and not sustainable on facts and in law. The reference to

stale criminal cases and old foreign travel and past receipt of foreign remittances have the effect of snapping the live and proximate link between the prejudicial activities of the petitioner and the purpose of detention and failure on the part of the detaining authority in explaining such delay in any manner, or providing the petitioner with relevant documents. Moreover, under the facts of this case, the non-disposal of the second representation dated 10.08.2026, which was submitted after petitioner got access to his family, friend and learned counsel, is also found to vitiate the continued detention of the petitioner.

18) The detaining authority has not applied its mind as to whether or not the ordinary laws of the Country was insufficient to deal with the activities of the petitioner.

19) Accordingly, this writ petition deserves to be and is accordingly allowed. The detention of the petitioner is found to be vitiated on the 4 (four) broad reasons referred to hereinbefore.

20) Since the Court has arrived at the conclusion that the impugned detention order no. eCF- 821601/81 dated 30.07.2026, issued by the Commissioner and Secretary to the Government of Assam, Home and Political Department, Political (A) Department, and the Grounds of Detention bearing no. eCF- 821601/84 dated 30.07.2026, issued by the Commissioner and Secretary to the Government of Assam, Home and Political Department, Political (A) Department, in respect of the petitioner, namely, Pranab Doley is not sustainable on facts and in law, the detention of the petitioner is to be set aside on the said four reasons. Thus, the Court is not inclined to traverse on other grounds raised by the petitioner.

21) Therefore, the petitioner is found entitled to the following

reliefs:-

a. The impugned detention order bearing no. eCF- 821601/ 81 dated 30.07.2026, issued by the Commissioner and Secretary to the Government of Assam, Home and Political Department, Political (A) Department, is hereby set aside and quashed.

b. The impugned grounds of detention bearing no. eCF- 821601/84 dated 30.07.2026, issued by the Commissioner and Secretary to the Government of Assam, Home and Political Department, Political (A) Department is set aside and quashed.

c. The petitioner shall be released and set at liberty forthwith from his preventive detention.

22) Under the circumstances, the parties are left to bear their own cost.

JUDGE **JUDGE**.

Digitally signed by Champak Rajbongshi
Date: 2026.11.06 16:43:30 +05'30'

Comparing Assistant **Private Secretary**