

GAHC010122372025



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

Case No. : W.P.(Crl.)/22/2025

MOZIDA BEGUM
W/O LT ANOWAR HUSSAIN D/O LT KOKSED ALI R/O VILL MILAN NAGAR
SANTIPUR PO BALADMARI PS AND DIST GOALPARA, ASSAM

VERSUS

THE UNION OF INDIA AND 5 OTHERS
REP BY THE SECRETARY TO THE MINISTRY OF HOME AFFAIRS, GOVT OF
INDIA, NEW DELHI 01

2:THE STATE OF ASSAM
REP BY THE COMMISSIONER AND SECRETARY TO THE DEPTT OF HOME
AFFAIRS GOVT OF ASSAM DISPUR GUWAHATI 6

3:THE SUPERINTENDENT OF POLICE (BORDER)
PO AND DIST GOALPARA ASSAM PIN 783101

4:THE DISTRICT COMMISSIONER
GOALPARA
PO AND DIST GOALPARA ASSAM PIN 783101

5:THE DISTRICT COMMISSIONER
KAMRUP METRO
PO HENGRABARI AND DIST KAMRUP M ASSAM PIN 781036

6:THE DEPUTY COMMISSIONER OF POLICE BORDER
KAMRUP METRO
PO ULUBARI DIST KAMRUP M ASSAM PIN 78100

Advocate for the Petitioner : MR. A R SIKDAR, MR. S I TALUKDAR, MS M SARMA, J A SIKDAR

Advocate for the Respondent : DY.S.G.I., GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

06.06.2025

(K.R. Surana, J)

Heard Mr. A.R. Sikdar, learned counsel for the petitioner. Also heard Mr. J. Payeng, learned Standing Counsel, F.T matters; and Mr. P. Sarmah, learned Additional Senior Government Advocate.

2. By referring to Annexure-4 to the writ petition, the learned counsel for the petitioner has submitted that pursuant to order dated 07.06.2021, passed by this Court in WP(C) 2546/2020, the petitioner was released on bail on certain conditions which are made a part of order dated 15.04.2020, passed in WP(C) Suo Motu No.1/2020 and it is submitted that the petitioner was relying on Annexure-4 to this writ petition to show that the son of the petitioner namely, Hachinur @ Hasinur was all throughout attending the Goalpara P.S and his attendance has been recorded by the Officer-In-Charge of the said Police Station, the last appearance, having been made on 19.05.2025 with previous appearance on 12.05.2025 and 05.05.2025.

3. It is submitted that despite appearance before the Goalpara P.S, the son of the petitioner namely, Hachinur @ Hasinur was taken into custody by the Border Police of Goalpara, on 25.05.2025 and thereafter, he was initially taken to the Goalpara Police Reserve and thereafter, taken to Transit Camp, Matia, Goalpara. It is projected that when the petitioner and other family members went to the

Transit Camp, Matia, Goalpara, they were informed that the son of the petitioner is not available in the said Transit Camp. At this stage, the learned Standing Counsel, F.T matters has submitted that as per instructions received by him, the petitioner's son namely Hachinur @ Hasinur is currently lodged at the Kokrajhar Holding Centre at C/o 7th Assam Police Battalion, Charaikhula, District of Kokrajhar.

4. The Court is inclined to issue notice including notice on the prayer for bail, returnable on 11.06.2025.

5. In the meanwhile, learned counsel for the petitioner shall serve requisite extra copies of the writ petition to the learned CGC, Govt. Advocate as well as Departmental Counsel within 2 (two) working days.

6. In the meanwhile, the Deputy Commissioner of Police (B), Kamrup(M), Guwahati will take steps so as to not to deport the son of the petitioner, Hachinur @ Hasinur from the Country without order of the Court.

7. The learned Standing Counsel, F.T matters shall transmit a downloaded copy of this order to the Deputy Commissioner of Police (B), Kamrup(M), Guwahati (respondent no.6). It is also provided that on receipt of the communication, the respondent no.6 shall ensure that a copy of this order shall also be send to the Kokrajhar Holding Centre and a copy of communication so sent to the Kokrajhar Holding Centre shall be produce before the Court through the learned Standing Counsel, F.T matters on the next date of listing.

8. The petitioner is also at liberty to produce the certified copy of this order before the Deputy Commissioner of Police (B), Kamrup (M), Guwahati to bring

the order to be notice on the said authority.

9. List on 11.06.2025.

JUDGE

JUDGE

Comparing Assistant