

GAHC010009342026



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

Case No. : WP(C)/761/2026

ABDUL SALAM
S/O- LATE SAHAR ALI, VILL- NIZ BAGHMARI, P.S. GINGIA, DISTRICT-
BISWANATH (ASSAM)

VERSUS

THE UNION OF INDIA AND 5 ORS
REPRESENTED BY THE SECRETARY TO THE GOVT OF INDIA, MINISTRY
OF HOME AFFAIRS SHASTRI BHAWAN, NEW DELHI- 110001

2:THE STATE OF ASSAM
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT
OF ASSAM
HOME DEPARTMENT
DISPUR
GUWAHATI-06

3:THE DISTRICT COMMISSIONER
BISWANATH (ASSAM)
PIN- 784176

4:THE SUPERINTENDENT OF POLICE (BORDER)
BISWANATH (ASSAM)
PIN- 784176

5:THE ELECTION COMMISSION OF INDIA
NEW DELHI- 110001

6:THE STATE COORDINATOR
NATIONAL REGISTRAR OF CITIZENS (NRC)

ASSAM
GUWAHATI- 78100

Advocate for the Petitioner : MR H R A CHOUDHURY, MR. SAYED SALIM AHMED,MR. A H M R CHOUDHURY,MRS H AHMED

Advocate for the Respondent : DY.S.G.I., GA, ASSAM,SC, NRC,SC, ECI,SC, F.T

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

ORDER

Date : 13.02.2026
(K.R. Surana, J)

Heard Mrs. H. Ahmed, learned counsel for the petitioner. Also heard Mr. P.S. Lahkar, learned CGC; Mr. G. Sarma, learned standing counsel for the FT and Border matters; Ms. S. Katakey, learned standing counsel for the ECI; and Mr. H.K. Hazarika, learned Govt. Advocate for the State respondent.

2. By filing this writ petition under Article 226 of the Constitution of India, the petitioner has assailed the impugned opinion dated 28.02.2025, passed by the learned Member, Foreigners' Tribunal, Biswanath 1st, Biswanath Chariali, in Case No. BNC/FT/1333/2016, arising out of S.P.(B) Sonitpur, FT Case No. 536/2009, by which the petitioner was declared as an illegal migrant of post 25.03.1971 stream.

3. Issue notice returnable in 4 (four) weeks.

4. Requisite extra copies of the writ petition be furnished to the learned

counsel for the respondents within 2 (two) working days.

5. Let the relevant records be called for from the concerned Foreigners Tribunal by email at the following email address:

fttezpur5th@gmail.com

6. The prayer for bail is opposed by the learned standing counsel for the FT matters. However, in view of the projection made in this writ petition as well as considering the age of the petitioner of 71 years, the Court is inclined to grant bail to the petitioner, namely, Abdul Salam, by providing that if he has not already been detained in custody, he shall not be taken into custody and deported from the territory of India, on condition that he shall appear before the Superintendent of Police (Border), Biswanath, within 10 (ten) days from today during the office hours and shall furnish a bail bond of Rs. 5,000/- (Rupees five thousand only) with one solvent surety of the like amount to the satisfaction of the said authority. Further, the Superintendent of Police (Border), Biswanath is directed that on appearance of the petitioner within the period indicated above, the biometrics of the iris of both eyes, the fingerprints of both hands and the photographs of the petitioner shall be obtained, whereafter, he shall be allowed to remain on bail.

7. On his appearance before the Superintendent of Police (Border), Biswanath, as directed above, the said authority shall obtain necessary information and documentation as required under the Rules from the petitioner for securing his presence.

8. On failure of the petitioner to appear before the Superintendent of Police (Border), Biswanath, the bail to the petitioner would stand lapsed.

9. List the matter after 4 (four) weeks and/or on receipt of the Tribunal records.

JUDGE

JUDGE

Comparing Assistant