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

Case No. : WP(C)/876/2026

SANOWAR HUSSAIN
S/O.- LATE KUBAT ALI, VILLAGE KHAIRABARI, P.S. BARPETA ROAD,
DISTRICT- BARPETA, ASSAM.

VERSUS

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

2:THE STATE OF ASSAM
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM
DEPARTMENT OF HOME
DISPUR
GUWAHATI-6.

3:THE ELECTION COMMISSIONER OF INDIA
THROUGH ITS SECRETARY
NIRBACHAN BHAWAN
NEW DELHI-1.

4:THE STATE CO-ORDINATOR
NATIONAL REGISTER OF CITIZENS (NRC)
ASSAM
BHANGAGARH
GUWAHATI-5.

5:THE DISTRICT COMMISSIONER OF BARPETA
DIST. BARPETA
ASSAM

6:THE SUPERINTENDENT OF POLICE (B)
BARPETA
DIST. BARPETA
ASSA

Advocate for the Petitioner : MR. R ALI, MR H A AHMED,MISS. S PARBIN

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

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

ORDER

Date : 19.02.2026

(K.R. Surana, J)

Heard Mr. H.A. Ahmed, learned counsel for the petitioner. Also heard Ms. S. Gayan, learned CGC; Mr. G. Sarma, learned standing counsel for the FT matters and NRC; Ms. S. Katakey, learned standing counsel for the ECI; and Mr. P. Sarmah, learned Addl. Senior 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 18.12.2025, passed by the learned Member, Foreigners' Tribunal No.2nd, Barpeta in FT(2nd) Case No.26/18, corresponding to Reference IM(D)T Case No. 4740/B/98, by which the petitioner was declared as an illegal migrant.

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 usual process as well as by email at the following email address:

advbandana@gmail.com

6. The learned counsel for the petitioner prays for bail, which is opposed by the learned standing counsel for the FT matters. However, in view of the projection made in this writ petition, the Court is inclined to grant bail to the petitioner, namely, Sanowar Hussain, 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), Barpeta 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), Barpeta 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), Barpeta, 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), Barpeta, 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