

GAHC010050822026



undefined

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

Case No. : WP(C)/1816/2026

MUBARAK ALI @ MD MUBARAK ALI
S/O- LATE IMAN ALI R/O-VILL. MORAHAT TOWN WARD NO.2, P.O AND P.S-
MORANHAT, DISTRICT-CHARAIDEO, ASSAM. PIN-785670 PERMANENT
ADDRESS VILLAGE-DHULIAPARA, P.S- DALGAON, DISTRICT-
DARRANG,ASSAM

VERSUS

THE UNION OF INDIA AND 5 ORS
REPRESENTED BY THE MINISTRY OF HOME AFFAIRS, GOVERNMENT OF
INDIA, NEW DELHI-110001.

2:THE ELECTION COMMISSION OF INDIA
NEW DELHI-110001.

3:THE STATE OF ASSAM
REPRESENTED BY THE GOVERNMENT OF ASSAM
HOME DEPARTMENT
DISPUR
GUWAHATI-06.

4:THE ASSAM STATE CO ORDINATOR OF NRC
BHANGAGARH
GUWAHATI-05

5:THE DISTRICT COMMISSIONER
CHARAIDEO
DISTRICT-CHARAIDEO
ASSAM
PIN-785690.

6:THE SUPERINTENDENT OF POLICE (B)

CHARAIDEO
DISTRICT-CHARAIDEO
ASSAM
PIN-78569

Advocate for the Petitioner : MR. S A AHMED, MR. F A AHMED, MS. K DAS

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

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 31.03.2026
(K.R. Surana, J)

Heard Mr. F. A. Ahmed, the learned counsel for the petitioner. Also heard Ms. B. Sarma, learned CGC; Ms. M. Singha, learned counsel appearing on behalf of Mr. A. I. Ali, learned standing counsel for the ECI; Mr. J. Payeng, learned standing counsel for the FT matters and NRC; and Mr. P. Sarmah, learned Additional Senior Govt. Advocate for respondent.

2. By filing this writ petition under Article 226 of the Constitution of India, the petitioner has assailed the impugned opinion dated 25.04.2025, passed by the learned Member, Foreigners' Tribunal, Jorhat, Assam, in Case No. FT/CRD/231/11, [Old case No.FT/SVR/231/11, Police Enquiry No. 126/2011], 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 through the following e-mail address of the learned Tribunal:-

memftjorhat55@gmail.com

6. The prayer for bail is opposed by the learned standing counsel for the FT matters. Considering the projection made in this writ petition, the Court is inclined to grant bail to the petitioner, namely, Mubarak Ali @ Md. Mubarak Ali, by providing that if he has not already been detained in custody, he shall not be taken into custody and/or deported from the territory of India, on condition that he shall appear before the Superintendent of Police (Border), Charaideo 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), Charaideo 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), Charaideo, 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), Charaideo, the bail to the petitioner would stand lapsed.

9. List the matter after 4 (four) weeks on receipt of records.

JUDGE JUDGE

Comparing Assistant