

GAHC010170742025



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

Case No. : WP(C)/4397/2025

AFSER ALI @ ASROF ALI @ ASRAF ALI
S/O LATE JONGSER ALI @ JAMSER ALI, VILL- MAJERCHAR, P.S.- DHUBRI,
DIST- DHUBRI, ASSAM

VERSUS

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

2:THE ELECTION COMMISSION OF INDIA
REPRESENTED BY THE CHIEF ELECTION COMMISSIONER
INDIA
NEW DELHI-110001

3:THE STATE COORDINATOR
ASSAM
NATIONAL REGISTER OF CITIZENS
BHANGAGARH
GHY-5

4:THE STATE OF ASSAM
REPRESENTED BY THE GOVT. OF ASSAM
HOME DEPARTMENT
DISPUR
GHY-6

5:THE SUPERINTENDENT OF POLICE (B)

DHUBRI
P.S. AND DIST- DHUBRI
ASSAM
PIN-783301

6:THE DISTRICT COMMISSIONER
DHUBRI
P.S. AND DIST- DHUBRI
ASSAM
PIN-78330

Advocate for the Petitioner : MD. A HUSSAIN, MR. T ISLAM,MR. K ALOM

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

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA
HONOURABLE MR. JUSTICE RAJESH MAZUMDAR

ORDER

Date : 06.08.2025
(R. Mazumdar, J)

Heard Mr. A. Hussain, learned counsel for the petitioner. Also heard Ms. S. Baruah, learned CGC; Ms. A. Verma, learned standing counsel for the FT matters and NRC; Mr. A.I. Ali, learned standing counsel for the ECI; and Mr. P. Sarmah, learned Additional 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 04.01.2025, passed by the learned Member, Foreigners' Tribunal No.1, Dhubri in F.T. Case No. 4454/D/11, arising out of Police Ref. 'D' Voter Case No. 149/D/07, 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.
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, the Court is inclined to grant bail to the petitioner, namely, Afser Ali @ Asrof Ali @ Asraf Ali, 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), Dhubri 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), Dhubri 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), Dhubri, 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), Dhubri, 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