

GAHC010193092025



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

Case No. : WP(C)/5209/2025

AMIR ALI @ AMIR @ MD. AMIR ALI
S/O LATE AKKAS ALI @ AKAS ALI, R/O LATAKHAT, P.S.- DHULA, P.O.-
BALABARI, DIST- DARRANG, 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-
1

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

3:THE DISTRICT COMMISSIONER
JORHAT
ASSAM
PIN-785001

4:THE SUPERINTENDENT OF POLICE (B)
JORHAT
ASSAM
PIN-785001

5:THE ELECTION COMMISSIONER OF INDIA
NEW DELHI-1

6:THE STATE CO-ORDINATOR OF NRC
ASSAM

HOUSEFED COMPLEX
2ND FLOOR
BANPHOOL NAGAR
DISPUR
GUWAHATI-

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

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

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

Date : --21.01.2026
(KALYAN RAI SURANA, J)

Heard Mr. A. R. Sikdar, learned counsel for the petitioner. Also heard Ms. K. Phukan, learned CGC; Mr. H. Kuli, learned counsel appearing on behalf of Mr. A. I. Ali, learned Standing Counsel, ECI; Mr. P. Sarma, learned Additional Senior Government Advocate; Ms. A. Verma, learned Standing Counsel, FT; and Mr. G. Sarma, learned Standing Counsel, NRC.

2. By filing this writ petition under Article 226 of the Constitution of India, the petitioner has assailed the impugned opinion dated 11.04.2025, passed by the learned Member, Foreigners' Tribunal, Jorhat, Assam, in Case No. FT/SVR/324/10, arising out of Police Enquiry No. 249/10, 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 e-mail at 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, Amir Ali @ Amir @ Md. Amir 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), Jorhat, Assam 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 Superintendent of Police (Border) Jorhat, Assam. Further, the Superintendent of Police (Border), Jorhat, Assam 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), Jorhat, Assam 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), Jorhat, Assam, the bail to the petitioner would stand lapsed.

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

JUDGE

JUDGE

Comparing Assistant