

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P (Cr.) (DB) No.740 of 2025

Bhikhan Ganjhu @ Bhikanjee @ Deepak Kumar @ Neta Jee, aged about 44 years, Son of Late Bandhu Ganjhu, Resident of Village-Bijain, PO-Bahera, P.S-Piparwar, District-Chatra, Jharkhand. **Petitioner**

Versus

1. The State of Jharkhand.
2. Secretary, Department of Home, Jharkhand Government, Project Building, Dhurwa, PO & PS-Dhurwa, District-Ranchi.
3. Under Secretary, Home, Jail and Disaster Management Department, Government of Jharkhand, Project Building, Dhurwa, PO & PS-Dhurwa, District-Ranchi.
4. The Deputy Commissioner cum District Magistrate, Chatra, PO and P.S-Chatra, District-Chatra, Jharkhand.
5. The Superintendent of Police, P.O. and P.S.- Chatra, District Chatra, Jharkhand.
6. Jail Superintendent, Birsa Munda Central Jail, Hotwar, Ranchi, PO and PS-Bariatu, District-Ranchi, Jharkhand. **Respondents**

**CORAM: HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD
HON'BLE MR. JUSTICE SANJAY PRASAD**

For the Petitioner : Mr. Sahil, Advocate
For the Resp-State of Jharkhand: Mr. Jai Prakash, AAG-IA
Ms. Omiya Anusha, AC to AAG-IA

C.A.V on 02.04.2026

Pronounced on 10/04/2026

Per Sujit Narayan Prasad, J.

1. The present writ petition has been filed under Article 226 of the Constitution of India initially for the following reliefs:

“That in the instant writ application the petitioner prays for issuance of a writ of or in the nature of certiorari for quashing of the order dated 06.10.2025 (Annexure- 1) vide letter no. 1063 passed by learned Deputy Commissioner cum District Magistrate, Chatra (respondent no. 4) whereby and whereunder order has been passed for preventive detention of the petitioner for the period of 12 months using the power conferred u/s 12(1) and (2) of Jharkhand Control of Crimes Act, 2002 without giving any opportunity to the petitioner as well as all the steps taken by the concerned respondents pursuant to order dated 06.10.2025 (Annexure- 1) passed by learned Deputy Commissioner cum District Magistrate, Chatra (respondent no. 4).

AND/OR

The petitioner further prays for issuance of a writ of or in the nature of Mandamus commanding upon the respondents to restrain from passing such unconstitutional orders depriving the right to life and liberty of the petitioner.

AND/OR

For issuance of such other writ(s)/order(s)/direction(s) as Your Lordships may deem fit and proper in the facts and circumstances of the case.”

2. Thereafter, an amended writ petition has been filed on behalf of the petitioner by way of an interlocutory application being I.A No.1677 of 2026 which was allowed by this Court vide order dated 18.02.2026 and the following prayers have been made in the said amended petition:

“That in the instant writ application the petitioner prays for issuance of a writ of or in the nature of certiorari for quashing of the order dated 06.10.2025 (Annexure-1) vide letter no. 1063 passed by learned Deputy Commissioner cum District Magistrate, Chatra (respondent no. 4) whereby and whereunder order has been passed for preventive detention of the petitioner for the period of 12 months using the power conferred u/s 12(1) and (2) of Jharkhand Control of Crimes Act, 2002 without giving any opportunity to the petitioner as well as all the steps taken by the concerned respondents pursuant to order dated 06.10.2025 (Annexure-1) passed by learned Deputy Commissioner cum District Magistrate, Chatra (respondent no. 4).

AND/OR

For issuance of the writ in the nature of the certiorari for quashing the order dated 5.12.2025 whereby the earlier order of the detention of the petitioner dated 6.10.2025 has been confirmed and the petitioner has been ordered to detained for three months from 6.10.2025 till 5.01.2026.

AND/OR

For the issuance of the writ in the nature of the Certiorari for quashing the order dated 31.12.2025 whereby the period of detention of the petitioner has been further extended for a period of three months from 6.01.2026 till 5.04.2026.

AND/OR

The petitioner further prays for issuance of a writ of or in the nature of Mandamus commanding upon the respondents to restrain from passing such unconstitutional orders depriving the right to life and liberty of the petitioner.

AND/OR

For issuance of such other writ(s)/order(s)/direction(s) as Your Lordships may deem fit and proper in the facts and circumstances of the case.”

Factual Aspect:

3. The factual aspect which has been pleaded in the writ petition are as follows:

- i. The petitioner is a small contractor who has been labeled as the zonal commander of TSPC, a banned extremist organization and the local authorities in connivance with the respondents have lodged several false cases and have implicated the petitioner in the said cases without any evidence and it will be relevant to mention that in most of the cases the petitioner has been granted the privilege of regular bail by this Hon'ble Court.
- ii. The respondent no. 4 solely on the basis of the said false cases has passed an order dated 06.10.2025, vide memo no. 1063(Annexure-1) for preventive detention of the petitioner for a period of 12 months without hearing and without giving any opportunity to the petitioner which is contrary to the provisions of section 12(1) and (2) of the Jharkhand Crime Control Act, 2002(hereinafter to be referred as Act of 2002).
- iii. Respondent no. 3 vide order dated 05.12.2025(Annexure-2), confirmed the order of detention dated 06.10.2025 and extended the detention of the petitioner from 06.10.2025 to 05.01.2026.

iv. Further, respondent vide order dated 31.12.2025(Annexure-3), extended the detention of the petitioner for three months from 06.01.2026 to 05.04.2026.

v. It is the case of the petitioner that the respondent no. 4 by passing the order dated 06.10.2025, vide letter no 1063 has curtailed and denied of his right to life of the petitioner which has been awarded to him by the Constitution, and taking away or denial of the same is violation of Article 21 of the Constitution of India.

vi. Simply registration of police case under several section and acts is not sufficient to take away the freedom of the petitioner who is behind the bar since 17.03.2022 and the same does not justify the fastening of label upon the petitioner of being an anti-social element.

vii. The act and action on the part of the respondents by passing the order of preventive detention against the petitioner is illegal, invalid and not sustainable in the eyes of laws as the petitioner was not given ample opportunity of putting his defense before passing any order.

viii. The respondent no.4 has passed an order for preventive detention of the petitioner for 12 months which is absolute illegally, unconstitutionally and without jurisdiction.

4. Being aggrieved with the aforesaid order of detention, its confirmation and orders of extension of detention, the present writ petition has been preferred.

Submission on behalf of the writ petitioner:

5. Mr. Sahil, the learned counsel appearing for the petitioner has taken the following grounds in assailing the impugned order:

- i. It has been contended that the petitioner has been illegally detained on the false allegation as the impugned order has been passed by the same authority without any addition of any criminal case.
- ii. It has been contended that the act of the respondents in passing the impugned detention order under the provisions of section 12(2) of the Jharkhand Crime Control Act is improper as Section 12(2) of Jharkhand Crime Control Act, 2002, provides that detention order in the first instance shall not exceed three months, but, respondent no.4 has passed the impugned order of preventive detention of the petitioner for 12 months, which is illegal and unconstitutional.
- iii. As per the settled principle of law, order for preventive detention can be passed against a person only for a maximum period of three months at the first instance but the respondents without considering the law have passed the impugned order which is illegal and fit to be set aside.
- iv. On going through the law as envisaged under section 12(2) of the Jharkhand Crime Control Act, 2002 it is evident that the respondent no. 4 has not only violated the law but also has taken away the constitutional rights of the petitioner as guaranteed under the Constitution of India by passing such order.
- v. It has been contended that the act of the respondents in passing the impugned order under the provisions of section 12(2) of the Jharkhand Crime Control Act, has not taken into consideration that mere registration of police case under several sections, is not sufficient to take away the freedom of the petitioner who is behind the bar since 17.03.2022.

- vi. It has been contended that out of 64 FIRs mentioned in the detention order dated 06.10.2025, petitioner has been acquitted in most of the cases and in several cases, petitioner has been enlarged on bail, but this fact has been ignored by the detaining authority.
- vii. It has been contended that respondents have passed the impugned detention order under the provisions of section 12(2) of the Jharkhand Crime Control Act, 2002, without subjective satisfaction and a mere reference to criminal cases registered against the petitioner, without any independent analysis or assessment of their relevance to public order, demonstrates a non-application of mind.
- viii. It has been contended that the detention order is based upon non-application of mind by detaining authority as it acted mechanically under a delegated power in violation of the settled law as laid down in the case of *Pesala Nookaraju vs. The Government of Andhra Pradesh & Ors.*, 2023 INSC 734 and *Bachubhai Mansukhbhai Bhavsar vs. The Commissioner of Police and another*, 1981 SCC Online Guj 117.
- ix. The learned counsel appearing for the petitioner, based upon the aforesaid grounds, has submitted that the impugned order, therefore, needs interference by this Court.

Submission on behalf of the Respondent-State:

6. Per contra, Mr. Jai Prakash, the learned AAG-IA appearing for the respondent-State to defend the impugned order has raised the following grounds:

- i. It has been contended that the impugned detention order is issued under the provision of section 12(2) of Jharkhand Crime Control Act, 2002 as the petitioner is a notorious criminal having many criminal antecedents of serious nature. The petitioner is the zonal commander of the militant organization TSPC and his main profession is to collect extortion money from coal traders and other contractors under the umbrella of the banned militant organization TSPC and not only that he extorts people of the locality under fear of life, several cases of arson, damage to public property, Arms Act, CLA Act, UAP Act, murder due to militant activity have been registered against him and, as such, the present writ petition is not maintainable in the law as well as on facts.
- ii. It has been contended that prior to issuance of detention order the petitioner has been given reasonable opportunity to defend himself and, as such, the orders impugned are in accordance with law which requires no interference.
- iii. It has been contended that the petitioner is habitual offender and he is having more than 60 cases of Arms Act, CLA, UAPA including major sections of IPC out of which two matters are being investigated by NIA and number of *Sanhas* are also there against the petitioner. As per the intelligence input received, the petitioner is having deep root in organized crime and in connivance with his other associates of banned extremist organization and on his instructions his associates used to take levy from the local people, transporters and businessman. As such, the orders of extension of detention have been

passed and further there is strong possibility of conviction of the petitioner in the said cases.

iv.It has further been contended that there is possibility that when the petitioner comes out from the detention he may involve in the illegal and unlawful activity with his associates, since, he has been history of antecedent, thus, the detention order is fully justified in order to maintain public order within the district concerned.

v.It has been contended that Barkagaon PS Case No.45 dated 22.03.2026 was registered under Arms Act against various persons in which the arrested persons were interrogated and they said that they are members of banned militant organization TSPC and they are in contact with the present petitioner who is currently in jail and by the weapons provided by the petitioner, they are spreading terror.

v.It has been contended that it was necessary to extend preventive detention of petitioner in order to control organized crime in the locality as well as in order to reduce the intensity of same.

vi.It has further been submitted that contention of the petitioner that in the first instance detention order cannot exceed 3 months as mentioned in section 12 of the Jharkhand Control of Crimes Act, is misconstrued as said provision has got no relevance to the period of detention rather it talks about the delegation of power by the State Government to District Magistrate and that delegation in the first instance cannot exceed three months.

vii.It has been contended that at first occasion detention order was confirmed after obtaining report from Advisory Board and thereafter

on requisition given by the competent authority the same has been extended for a period of 3 months vide order dated 05.12.2025 for a period 06.10.2025 to 5.01.2026 in accordance with provision laid down under section 21(1) and section 22 of Jharkhand Control of Crimes Act, 2002.

viii. It has been further contended that as per maximum permissible detention under section 22 of the Act being 12 months from the date of detention, the continuation of detention to that limit is statutorily sanctioned and, hence, the impugned detention order was lastly extended vide order dated 31.12. 2025 for a period of 3 months from 06.01.2025 to 05.04.2026.

7. The learned State counsel, based upon the aforesaid grounds, has submitted that the impugned orders, thus, need no interference and the present writ petition is fit to be dismissed.

Analysis:

8. We have heard the learned counsel appearing for the parties and gone through the pleadings made in the writ petition along with the relevant documents annexed therewith.

9. In the backdrop of the aforesaid factual aspect the following issues require consideration herein:

i. Whether the criminal activities of petitioner come under the purview of definition of ‘‘Anti-social Elements’’ as defined under section 2(d) of the Jharkhand Control of Crimes Act, 2002?

ii. Whether the recommendation of the District Magistrate for detaining the detenue for period of 12 months, is in violation of section 12(2) of the Act of 2002?

iii. Whether acquittal and grant of bail to the detenue/petitioner in some cases is ground for his release from the preventive detention passed under 12(2) of the Jharkhand Control of Crimes Act, 2002?

Re: First issue

10. But, before considering the first issues, the statutory provision as contained under the Jharkhand Control of Crimes Act, 2002 needs to be referred herein.

11. The relevant provisions which require consideration herein are Section 2(d) and Section 12 of the Jharkhand Control of Crimes, 2002, (referred herein as Act 2002).

12. “Anti-social Element” has been defined in section 2(d) of the Act of 2002, which reads hereunder as: -

“ 2(d) Anti-social element" means a person who-

(i) either by himself or as a member of or leader of a gang habitually commits or attempts to commit or abets the commission of offences punishable under Chapter XVI or Chapter XVII of the Indian Penal Code; or

(ii) habitually commits or abets the commission of offences under the Suppression of Immoral Traffic in Women and Girls Act, 1956; or

(iii) who by words or otherwise promotes or attempts to promote, on grounds of religion, race, language, caste or community or any other grounds whatsoever, feelings of enmity or hatred between different religions, racial or language groups or castes or communities; or

(iv) has been found habitually passing indecent remarks to, or teasing women or girls; or

(v) who has been convicted of an offence under sections 25, 26, 27, 28 or 29 of the Arms Act of 1959.”

13. From perusal of Section 2(d) of the Jharkhand Crime Control Act, 2002, it is evident that "anti-social element" is a person who

habitually commits or abets offenses listed in Chapters XVI or XVII of the Indian Penal Code, or certain other specific crimes. It needs to refer herein that this definition requires a pattern of behaviour, not isolated incidents, and aims to identify individuals whose acts cause alarm or terror among the public, warranting preventive detention to maintain public order.

14. It requires to refer herein that the Act of 2002 was meant to make special provisions for the control and suppression of anti-social elements with a view to maintenance of public order. It also needs to refer herein that the “Law and Order” problems typically affect only individuals or small groups, whereas “public order” disruptions affect the community’s normal functioning on a broader scale often generating fear or anxiety among the general public.

15. It is pertinent to mention herein that the primary element with respect to Section 2(d)(i) of the Act of 2002 seems to be the word "habitual". It would thus mean that a person who is frequently engaged in committing or attempting or abating commission of an offence in terms of Chapter XVI or Chapter XVII of the Indian Penal Code would be an anti-social element. In this context, we may refer to the case of ***Vijay Narayan Singh Vs. State of Bihar*** reported in ***(1984) 3 SCC 14*** wherein the word "habitually" has been sought to be enumerated in the following manner:

"31. It is seen from Section 12 of the Act that it makes provision for the detention of an anti-social element. If a person is not an antisocial element, he cannot be detained under the Act. The detaining authority should, therefore, be satisfied that the person against whom an order is made under Section 12 of the Act is an anti-social element as defined in Section 2(d) of the Act. Sub-clauses (ii), (iii) and (v) of Section 2(d) of the Act which are not quite relevant for

the purposes of this case may be omitted from consideration for the present. The two other sub-clauses which need to be examined closely are sub clauses (i) and (iv) of Section 2(d). Under sub-clause (i) of Section 2(d) of the Act, a person who either by himself or as a member of or leader of a gang habitually commits or attempts to commit or abets the commission of offences punishable under Chapter XVI dealing with offences affecting the human body or Chapter XVII dealing with offences against property, of the Penal Code, 1860 is considered to be an anti-social element. Under subclause (iv) of Section 2(d) of the Act, a person who has been habitually passing indecent remarks to, or teasing women or girls, is an anti-social element. In both these sub clauses, the word "habitually" is used. The expression "habitually" means "repeatedly" or "persistently". It implies a thread of continuity stringing together similar repetitive acts. Repeated, persistent and similar, but not isolated, individual and dissimilar acts are necessary to justify an inference of habit. It connotes frequent commission of acts or omissions of the same kind referred to in each of the said sub clauses or an aggregate of similar acts or omissions. This appears to be clear from the use of the word "habitually" separately in subclause (i), sub-clause (ii) and sub-clause (iv) of Section 2(d) and not in sub clauses (iii) and (v) of Section 2(d). If the State Legislature had intended that a commission of two or more acts or omissions referred to in any of the sub-clauses (i) to (v) of Section 2(d) was sufficient to make a person an "anti-social element", the definition would have run as "Anti-social element" means "a person who habitually is. ..". As Section 2(d) of the Act now stands, whereas under sub-clause (iii) or sub-clause (v) of Section 2(d) a single act or omission referred to in them may be enough to treat the person concerned as an 'antisocial element', in the case of sub-clause (i), sub-clause (ii) or sub-clause (iv), there should be a repetition of acts or omissions of the same kind referred to in sub-clause (i), subclause (ii) or in sub-clause (iv) by the person concerned to treat him as an "anti-social element". Commission of an act or omission referred to in one of the sub-clauses (i), (ii) and (iv) and of another act or omission referred to in any other of the said sub-clauses would not be sufficient to treat a person as an

"anti-social element". A single act or omission falling under subclause (i) and a single act or omission falling under subclause (iv) of Section 2(d) cannot, therefore, be characterized as a habitual act or omission referred to in either of them. Because the idea of "habit" involves an element of persistence and a tendency to repeat the acts or omissions of the same class or kind, if the acts or omissions in question are not of the same kind or even if they are of the same kind when they are committed with a long interval of time between them they cannot be treated as habitual ones."

16. Thus, from the aforesaid it is evident that if a person is not an antisocial element, he cannot be detained under the Act of 2002. The detaining authority should, therefore, be satisfied that the person against whom an order is made under Section 12 of the Act is an anti-social element as defined in Section 2(d) of the Act. Under sub-clause (i) of Section 2(d) of the Act, a person who either by himself or as a member of or leader of a gang habitually commits or attempts to commit or abets the commission of offences punishable under Chapter XVI dealing with offences affecting the human body or Chapter XVII dealing with offences against property, of the Penal Code, 1860 is considered to be an anti-social element. Further the expression "habitually" means "repeatedly" or "persistently". It implies a thread of continuity stringing together similar repetitive acts. Repeated, persistent and similar, but not isolated, individual and dissimilar acts are necessary to justify an inference of habit.

17. It requires to refer herein that Section 12 of the Act contains the word "anti-social" which qualifies the section 12 of Act 2002 for passing the order of detention of any individual or others. Section 12 of the Act is the initiation of the process of detaining a person under the Act, for ready reference the same is being quoted herein, which reads as under-

“12. Power to make order detaining certain persons. - The State Government may- (1) if satisfied with respect to any person that with a view to preventing him from acting in any manner prejudicial to the maintenance of public order and there is reason to fear that the activities of anti-social elements cannot be prevented otherwise than by the immediate arrest of such person, make an order directing that such anti-social element be detained.

(2) If, having regard to the circumstances prevailing or likely to prevail in any area within the local limits of the jurisdiction of a District Magistrate, the State Government is satisfied that it is necessary so to do, it may by an order in writing direct, that during such period as may be specified in the order, such District Magistrate may also, if satisfied as provided in sub-section (1) exercise the powers conferred upon by the said sub-section:

Provided that the period specified in an order made by the State Government under this sub-section shall not, in the first instance exceed three months, but the State Government may, if satisfied as aforesaid that it is necessary so to do, amend such order to extend such period from time to time by any period not exceeding three months at any one time.

(3) When any order is made by District Magistrate, he shall forthwith report, the fact to the State Government together with the grounds on which the order has been made and such other particulars as, in his opinion, have a bearing on the matter, and no such order shall remain in force for more than 12 days after the making thereof unless, in the meantime, it has been approved by the State Government:

Provided that where under Section 17 the grounds of detention are communicated by the officer making the order after five days but not later than ten days from the date of detention, this sub-section shall apply subject to the modification that, for the words "twelve days", the words "fifteen days" shall be substituted.”

18. Thus, from the perusal of Section 12 of the Act of 2002, it is evident that power to make orders detaining certain persons are provided in section 12 of the Jharkhand Control of Crimes Act, 2002. Section 12(1) provides that if State Government is satisfied with respect to any

person that with a view to preventing him from acting in any manner prejudicial to the maintenance of public order and there is reason to fear that the activities of anti-social elements cannot be prevented otherwise than by the immediate arrest of such person, make an order directing that such anti-social element be detained.

19. Hence, section 12(1) of the Act empowers the State Government to detain anti-social element if there is reason to fear that the activities of anti-social elements cannot be prevented otherwise than by the immediate arrest of such person. The anti-social element has been defined in Section 2(d) of the Jharkhand Control of Crimes Act, 2002 and section 2(d)(i) of the Act provides that "Anti-social Element" means a person who either by himself or as a member of or leader of gang habitually commits, or attempts to commit or abets the commission of offences punishable under Chapter XVI or Chapter XVII of the Indian Penal Code.

20. In the backdrop of the aforesaid settled position of law this Court is now, reverting to the first issue whether the criminal activities of petitioner come under the purview of definition of "Anti-social Elements" as defined under section 2(d) of the Jharkhand Control of Crimes Act, 2002.

21. On going through the impugned detention order dated 06.10.2025 (Annexure-1) wherein involvement of the petitioner in 64 criminal cases is mentioned, this Court finds that impugned detention order was passed by the respondent no.4- the Deputy Commissioner-cum-District Magistrate, Chatra, on the recommendations made by the Superintendent of Police, Chatra vide letter no. 576/DCB dated 08.09.2025.

22. We find from the impugned detention order dated 06.10.2025 (Annexure-1) that the following FIRs have been registered against the detenue/petitioner in different police stations of Chatra, Lathar, Hazaribagh, Ramgarh and Ranchi district of Jharkhand-

Chatra District:

1. Piparwar PS Case No.66/2022 dated 26.12.2022 under sections 385/387/120B/34 IPC and under sections 25(1-A), 25 (1-B) a/26/35 of Arms Act and Section 17 CLA Act;
2. Piparwar PS Case No.63/2022 dated 15.12.2022 under sections 384/385/ 386/387/504/506/34 of the IPC, Section 27 of the Arms Act and Section 17 CLA Act;
3. Piparwar PS Case No.5/2021 dated 16.1.2021 under sections 386/387/120B/34 of the IPC, Section 25 (1-B) a/26/35 of Arms Act and Section 17(i) (ii) CLA Act;
4. Piparwar PS Case No.47/2020 dated 14.12.2020 under sections 386/387/120B/414/34 of the IPC, and Section 17(i) (ii) CLA Act;
5. Piparwar PS Case No.38/2020 dated 30.09.2020 under sections 147/148/149/353/307/325/333 of the IPC, and Section 17(i) (ii) CLA Act;
6. Piparwar PS Case No.36/2019 dated 15.09.2019 under sections 385/386/387/120B of the IPC, Section 17(i) (ii) CLA Act and Section 16/17/20/23 of UAP Act;
7. Piparwar PS Case No.70/2018 dated 01.11.2018 under sections 174A of the IPC;
8. Piparwar PS Case No.57/2018 dated 21.09.2018 under sections 25 (1-B) a/26/35 of Arms Act and Section 17(i)(ii) CLA Act;
9. Piparwar PS Case No.45/2017 dated 28.11.2017 under sections 147/148/149/302/201 of IPC, Section 27 of Arms Act and Section 17 (i) (ii) CLA Act, Section 16/18/20 of UAP Act;
10. Piparwar PS Case No.15/2017 dated 12.06.2017 under sections 147/148/149/341/342/302/323/325/326/436/427/504/506 of IPC, Section 17 (i) (ii) CLA Act, Section 16/18/20 of UAP Act;

11. Piparwar PS Case No.25 of 2015 dated 19.04.2015 under sections 147,148,149,302,201 of IPC and Section 27 of Arms Act;
12. Piparwar PS Case No.17 of 2015 dated 23.03.2015 under sections 384/385/386/387 of IPC and Section 17 (i) (ii) CLA Act;
13. Piparwar PS Case No. 50/2009, dated 15/10/2009, section 414/387/34 IPC and Section 17(i) (ii) CLA Act;
14. Piparwar PS Case No. 29/2009 dated 08/07/2009, Sections 147/148/149/342/353/387/504/506/120(B) IPC and Section 17(i) (ii) CLA Act;
15. Piparwar PS Case No. 28/2009, dated 06/07/2009, sections 387/353/427/506 of IPC and Section 17(i) (ii) CLA Act;
16. Piparwar PS Case No. 25/2003, dated 01.04.2003 Section 124 (A), 17(i) (ii) CLA Act;
17. Pathalgadda PS Case No. 35/18, 19.07.2018, section 147/148/145/323/325/307/302/452/379/387//385/120(B) of IPC and Section 17(i) (ii) CLA Act;
18. Sadar PS Case No. 390/17, dated 25.12.2017, Section 387/34 IPC, 17(1) CLA Act and 16/18/20 UAPA Act;
19. Tandwa PS Case No. 31/21, dated 05.03.2021, Section 323/307/504/120(B)/34 IPC and 27 Arms Act;
20. Tandwa PS Case No. 58/21, dated 27.04.2021, Section 147/148/149/342/307/387/427/ IPC, Section 04 Prevention of Damage to Public Property Act 1984 and 17(i)(ii) CLA Act;
21. Tandwa PS Case No. 22/2018, dated 09.02.2018, Section 384/385/386/387/120(B) IPC, 20(B) NDPS Act., 17(i) (ii) CLA Act and 16/17/20/23 UAPA Act.
22. Tandwa PS Case No. 90/18, dated 21.05.2018 Section 17(i) (ii) CLA Act;
23. Tandwa PS Case No. 94/18, dated 24.05.2018, section 384/387/34 IPC and Section 17(i) (ii) CLA Act;
24. Tandwa PS Case No. 82/18, dated 14.05.2018, Section 17(i)(ii) (CLA) Act;
25. Tandwa PS Case No. 11/19, dated 23.01.2019, Sections 385/387/120B IPC and Sections 17(i) (ii) CLA Act;
26. Tandwa PS Case No. 52/21, dated 14.04.2021, Sections 147/148/149/342/307/387/427 IPC, Sections 04 Prevention of

Damage to Public Property Act 1984, Section 27(ii) Arms Act and Section 17(i) (ii) CLA Act;

27. Tandwa PS Case No. 17/15, dated 01.03.2015, Sections 324/307/427/34 IPC and 27 Arms Act;

28. Tandwa PS Case No. 02/2016, dated 11.01.2016, Sections 414/384/386/387/120B IPC, Section 25(1-B)a/26/35 of Arms Act and 17(i)(ii) of CLA Act.

29. Tandwa PS Case No.07/17, dated 01.02.2017, Sections 147/148/149/307/427 IPC, section 3/4 of Explosive Substance Act, 27 and 17(i)(ii) of CLA Act;

30. Tandwa PS Case No. 15/21, dated 03.02.2021, section 324/326/307/120B of IPC, Section 27 of Arms Act and Section 17(i) (ii) CLA Act;

31. Tandwa PS Case No. 60/21, dated 05.05.2021, section 25(1-B) a/26/35 of Arms Act

32. Lawalog PS Case No. 11/18, dated 15.02.2018, section 414 of IPC and Section 25(1-B) a/26/35 of Arms Act and Section 17(i) (ii) CLA Act;

Latehar District:

33. Balumath PS Case No. 02/2018,

34. Balumath PS Case No. 96/2022,

35. Balumath PS Case No. 124/2022, Sections 147/148/149/387 of IPC

36. Balumath Police Station Case No. 150/2022, Sections 147/148/149/399/402/387/120B of IPC, Section 25(1-A)/25(1-B) /26(2) of Arms Act /35 Arms Act and Section 4/5 EXP. SUB. Act.

37. Balumath PS Case No. 83/2022, Sections 302/120/34 IPC and Section 27(3) of Arms Act and Section 17 of the CLA Act;

Hazaribagh District:

38. Barkagaon PS Case No. 114/2017, section 385/387/34 IPC and Section 17CLA Act;

39. Keredari PS Case No. 13/2019, Sections 147/148/149/307/353 IPC, 25 (1-AA)/25 (1-B) a / 26(2)/27/35 Arms Act and 17 CLA Act;

40. Keredari PS Case No.27/2017, Sections 147/ 148/ 149/ 307/ 302/120B IPC, 27 Arms Act and 17 CLA Act;

41. Katkamdag PS Case No. 106/2018, Sections 386/34 IPC, 17 CLA Act and 10/11/13 UAPA Act

Ramgarh District:

42. Mandu PS Case No. 115/2008, Section 147/328/448/384 IPC 17 CLA Act

43. Mandu PS Case No. 129/2008 Section 147/ 148/ 149/ 323/ 427/435 IPC and 17 CLA Act

44. Patratu PS Case No. 141/2009 Section 147/148/149/342/384/ IPC and 17 CLA Act;

45. Patratu PS Case No. 262/2019, Section 25 (1-A)/25 (1-B) A/26 (i)(ii)/35 Arms Act;

46. Patratu PS Case No. 258/2019, Sections 353/387/120B/ 34 IPC

47. Rajrappa PS Case No. 99/2012

Ranchi District:

48. Khalari PS Case No. 128/2022, Section 302/34 IPC 27 Arms Act;

49. Kanke PS Case No. 217/2021, Section 324/307/120B/34 IPC 27 Arms Act;

50. Kanke PS Case No. 226/2021, Sections 115/212/120B of the IPC, 25(1-A)/25(1AA)/25(1-B)A/25(6)/25(7)/25(8)/26/35 of the Arms Act, and 17 of the Criminal Law Act;

51. Ranchi Sadar PS Case No. 116/2022, Sections 384/386/34 of the Indian Penal Code and 17(i)(ii) of the CLA.

52. Khalari PS Case No 117/2006, Sections 386/353/34 of the IPC and 27 of the Arms Act;

53. Khalari PS Case No 37/3002, Section 302/349 IPC

54. Bundu PS Case No. 13/2010

55. Khalari PS Case No. 111/2007;

56. Khalari PS Case No.117/2007;

57. Khalari PS Case No. 02/2002;

58. Burmu PS Case No. 13/2010;

59. Khalari PS Case No. 87/2002;
60. Bariatu PS Case No. 52/2020, section 302/34 IPC and 27 Arms Act;
61. Makluskiganj PS Case No. 24/21, Sections 302/34 of the Indian Penal Code, 27 of the Arms Act, and 17 of the CLA Act
62. Ratu PS Case No. 09/24, Sections 385/387/326/302/120B of the Indian Penal Code, 27 of the Arms Act, and 17 of CLA Act

NIA Cases:

63. Special NIA, Ranchi 03/18 under sections 414/384/386/387/120B of IPC, Section 25(1B) a/26/35 of Arms Act, Sections 17 (1) (2) of CLA Act and Section 16/17/20/23 of UAPA Act;
64. Special NIA, Patna 02/21, under sections 414/467/468/471/474 of IPC Sections 25(1) (a) (25(1-A) (251-aa) 25(B)a/26/29/35 of Arms Act and Section 16/17/18/18B/19 UAPA Act.

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65. Piparwar PS Sanha No. 18/25 dated 26.08.2025;
66. Piparwar PS Sanha No. 11/25 dated 27.08.2025
67. Piparwar PS Sanha No. 11/25 dated 29.08.2025

23. Hence, from the FIRs mentioned in the impugned detention order dated 06.10.2025 (Annexure-1), this Court finds that 64 FIRs were registered against the detainee/petitioner including the two NIA cases in different district of Chatra, Lathar, Hazaribagh, Ramgarh and Ranchi across the state of Jharkhand. Further, from the aforesaid FIRs, it is also apparent that the crime committed by the detainee/petitioner ranges to murder, attempt to murder, extortion etc. and cases under Explosive Substance Act, Arms Act as well as under CLA Act and UAP Act have also been registered against the petitioner. Hence, this Court is of the view that detainee/petitioner is a habitual offender.

24. Thus, petitioner habitually commits offences punishable under section Chapter XVI or Chapter XVII of the Indian Penal Code as defined in section 2(d)(i) of the Act.

25. Further, the detaining authority respondent no.4 while passing the detention order 06.10.2025 (Annexure-1), under section 12(2) of the Act of 2002 was satisfied that the detention of the petitioner was necessary as continuous criminal activities of the petitioner was causing threat to maintenance of public order.

26. This Court, on consideration of the aforesaid factual aspect is of the view that the authority concerned has rightly considered that the act of the detenue/petitioner comes under the purview of the “Anti-social Elements” as stipulated under Section 2(d) of the Jharkhand Control of Crimes Act, 2002. This Court, therefore, is of the view that the orders of detention on this score need no interference.

27. Accordingly issue no. (i) is hereby answered.

Re: Second issue

28. Regarding the issue whether the recommendation of the District Magistrate for detaining the detenue for a period of 12 months, is in violation of section 12(2) of the Act of 2002? Submission has been made by the learned counsel for the detenue/petitioner that Detaining Authority has at the very outset imposed the detention of 12 months, but, as per section 12(2) of the Act of 2002, no detention can initially exceed a period of three months.

29. Section 12 of the Act of 2002, is the initiation of the process of detaining a person, who is an anti-social element under the Act and in the present case this Court on going through the impugned detention order

dated 06.10.2025 (Annexure-1), finds that District Magistrate in exercise of power conferred on him under Section 12(2) of the Act has made recommendation before the Government of necessity to detain the detenue/petitioner for a period of 12 months.

30. But, proviso to the Section 12(2) of the Act of 2002 provides that period specified in an order made by the State Government under this subsection shall not in the first instance exceed three months, but, the State Government may, if satisfied that it is necessary so to do, amend such order to extend such period from time to time by any period not exceeding three months at any one time.

31. Hence, under section 12(2) of the Act, District Magistrate makes recommendation for detaining an anti-social element to the State Government and it is the state Government, who at the first instance has to pass the order of detention which shall not exceed three months at the first instance as per proviso provided under section 12(2) of the Act of 2002.

32. In the present case, it is the State Government who has initially passed detention order for three months i.e. from 06.10.2025 to 05.01.2026 vide Memo No. 5/CCA/01/56/2025-416/CCA/Ranchi dated 05.12.2025 (Annexure-2) and thereafter, further extension order was passed by the State Government extending the detention for further three months vide Memo No. 5/CCA/01/56/2025-477/CCA/Ranchi dated 31.12.2025(Annexure-3).

33. Hence, the submission made by the learned counsel for the detenue/petitioner that Detaining Authority has at the very outset imposed the detention of 12 months, whereas, as per section 12(2) of the Act of 2002, no detention can initially exceed a period of three months is

misconceived as detention order under the Act is passed by the State Government under proviso to section 12(2) which at the first instance shall not exceed three months and in the present case, the State Government while extending the period of detention vide Annexure-2 and Annexure-3, had never exceeded period of detention for three months at any time.

34. Accordingly issue no. (ii) is hereby answered.

Re: Third issue

35. Regarding this issue i.e. whether acquittal and grant of bail to the detenue/petitioner in some cases is ground for his release from the prevention detention passed under 12(2) of the Jharkhand Control of Crimes Act, 2002?

36. In the aforesaid context, learned counsel for the detenue/petitioner has filed rejoinder to the counter affidavit filed by the respondent and contended that petitioner has been acquitted in some cases and has been enlarged on bail in several cases and the said cases were relied by the detaining authority while passing the impugned order of detention dated 06.10.2025 (Annexure-1) and hence, detention order cannot be sustained.

37. This Court finds that in the impugned detention order dated 06.10.2025 (Annexure-1), there is reference of 64 criminal cases against the detenue/petitioner. On going through the rejoinder filed by the detenue/petitioner, this Court finds that the detenue/petitioner has been acquitted in some cases, in some cases he has been enlarged on bail and some cases are pending.

38. Hence, so far as acquittal of the detenue/petitioner in some of the cases and his release on bail, in aforesaid pending cases is concerned, this Court finds that it is the subjective satisfaction of the Detaining Authority that inspite of his continuous activities causing threat to maintenance of public order and in such circumstances, based on the relevant materials and satisfying itself, that it would not be possible to control his habituality in continuing the criminal activities by resorting the normal procedures, the Detaining Authority had passed an order detaining him under the Jharkhand Control of Crimes Act, 2002.

39. Further, acquittal and enlargement on bail, of the detenue/petitioner, in some of the cases cannot be said to affect the decision taken by the competent authority of detention, rather the accusation so made in the First Information Report is to be seen for the purpose to have the subjective satisfaction of the nature of accusation made in the said FIR. Since the detention order is to be passed by the competent authority anticipating the criminality of the concerned and it would be evident from the accusation made in the impugned detention order dated 06.10.2025 (Annexure-1), passed by the Respondent No.4 Deputy Commissioner-cum-District Magistrate, Chatra, and the detenue/petitioner himself has stated in his rejoinder that apart from acquittal and bail in some cases, there are some pending criminal cases against him.

40. The consideration of coming from judicial custody by virtue of order passed by the Court to release on bail has been taken into consideration by the Hon'ble Apex Court in *D.M Nagaraja Versus Government of Karnataka and others* reported in (2011) 10 SCC 215

wherein detenue had challenged his detention order. The Hon'ble Apex Court in this case had noted in paragraph-17 that the even after release on bail the detenue again started indulging in the same type of offences, particularly, threatening the public life, damaging public property, etc. and hence, the detenue's appeal was dismissed. Further in paragraph-20 of the aforesaid judgment the Hon'ble Apex Court had noted the subjective satisfaction of the detaining authority in passing the detention order against the detenue, for the ready reference Paragraph-17 and 20 of **D.M.**

Nagaraja(supra) case is quoted herein below -

"17. All the abovementioned details which have been correctly stated in the detention order clearly show that the appellant is not amenable to ordinary course of law. It also shows that even after his release on bail from the prison on various occasions, he again started indulging in the same type of offences, particularly, threatening the public life, damaging public property, etc. All these aspects have been meticulously considered by the detaining authority and after finding that in order to maintain public order, since his activities are prejudicial to the public, causing harm and danger, the detaining authority detained him as "goonda" under Karnataka Act 12 of 1985 for a period of 12 months and the same was rightly approved by the Advisory Board and the State Government. Inasmuch as the detaining authority has taken note of all the relevant materials and strictly followed all the safeguards as provided in the Act ensuring the liberty of the detenue, we are in entire agreement with the decision of the detaining authority as well as the impugned order of the High Court affirming the same."

xxxxx xxxxxx xxxxxx xxxxx xxxxx xxxxx

20. In the case on hand, we have already extracted criminality, criminal activities starting from the age of 30 and details relating to eleven cases mentioned in the grounds of detention. It is not in dispute that in one case he has been convicted and sentenced to undergo rigorous imprisonment for a term of nine years. He had been acquitted in two cases and four cases are pending against him wherein he was granted bail by the courts. It is the subjective satisfaction of the detaining authority that in spite of his continuous activities causing

threat to maintenance of public order, he was getting bail one after another and indulging in the same activities. In such circumstances, based on the relevant materials and satisfying itself, namely, that it would not be possible to control his habituality in continuing the criminal activities by resorting to normal procedure, the detaining authority passed an order detaining him under Act 12 of 1985."

41. In the present case, from the impugned detention order dated 06.10.2025 (Annexure-1), it is apparent that crime committed by the detainee/petitioner ranges to murder, attempt to murder, extortion etc. and cases under Explosive Substance Act, Arms Act as well as cases under CLA Act and UAP Act has also been registered against the petitioner.

42. From, the impugned detention order dated 06.10.2025, and rejoinder filed by the detainee/petitioner, it also appears that out of the pending cases against the detainee/petitioner, the oldest FIR is of the year 2017 and thereafter, petitioner did not repent and again in years 2018, 2019, 2021 and 2022, FIRs have been registered against the detainee/petitioner, one after another.

43. The authority concerned while passing the impugned detention order which was passed on 06.10.2025 (Annexure-1) has taken into consideration the entire history of accusation against the petitioner and only thereafter has passed the order of detention. Hence, satisfaction has been arrived by the detaining authority bearing in mind existence of live and proximate link between the past conduct of the petitioner and material which is not stale.

44. Herein, the absence of ground of subjective satisfaction has been raised by the learned counsel for the petitioner. But this Court has found from the order of detention that the copy of the detention order has been served to the writ petitioner personally through the jail authority as finds mention in the last page of the impugned order of

detention, however, it has been admitted fact that even no representation has been filed by petitioner in order to make out his defence before the authority concerned.

45. The question herein is that the ground of lack of subjective satisfaction is being taken, then it is the bounden duty of the concerned to bring the fact to the notice of the authority, countering the process of making recommendation for order of detention and then only it is available for the concerned litigant to take the ground of no subjective satisfaction. Law is well settled that if the opportunity to put forth the defence has not been availed, then, it is not available to the litigant concerned to raise the issue of not providing an opportunity or non-consideration of the defence.

46. The factual aspect as has been dealt with hereinabove while deciding the issue, we are of the view that the detaining authority has taken into consideration the fact in entirety which shows the subjective satisfaction based upon the document as found to be available with the recommending authority which has been accepted by the detaining authority.

47. Thus, from the impugned detention order dated 06.10.2025 (Annexure-1), it is evident that the detenue/petitioner is habitually involved in offences which ranges from murder, attempt to murder, extortion etc. and cases under Explosive Substance Act, Arms Act as well as cases under CLA Act and UAP Act has also been registered against the detenue/petitioner and further on the basis of subjective satisfaction the detaining authority has arrived to conclusion that the well-organized manner in which such pre-judicial activities have been carried on and nexus between dates of incidents and passing of the detention order and

the said observation is according to the ratio laid down by the Hon'ble Apex Court in the case of *D.M Nagaraja Versus Government of Karnataka and others(supra)* therefore, the said observation of the detaining authority cannot be said to be suffered from an error.

48. Accordingly, Issue No.(iii) is hereby answered

49. This Court, therefore, is of the view that the orders of detention need no interference.

50. Accordingly, the detention order dated 06.10.2025 (Annexure-1) passed by the Respondent No.4 and order dated 05.12.2025 (Annexure-2) passed by the Respondent No.3, confirming the detention order dated 06.10.2025 and subsequent extension order dated 31.12.2025(Annexure-3), extending the period of preventive detention are sustained and upheld.

51. Consequent thereto, the instant writ petition stands dismissed.

52. Pending I.As, if any, stands disposed of.

(Sujit Narayan Prasad, J.)

I Agree.

(Sanjay Prasad, J.)

(Sanjay Prasad, J.)

Sudhir
Dated: 10/04/2026.
Jharkhand High Court, Ranchi
AFR

Uploaded on 10/04/2026