

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

W.A. No. 57 of 2024

Union of India; & Ors.

Appellants

Vs.

Md. Riyaj Ahmad

Respondent

***Clubbed with
MC (W.A.) No. 109 of 2024***

BEFORE

**HON'BLE THE CHIEF JUSTICE MR. M. SUNDAR
HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH**

(ORDER)

(Order of the Court was made by M. Sundar, CJ)

10.12.2025

[1] Read this in conjunction with and in continuation of earlier proceedings made in the previous listing on 25.11.2025, which reads as follows:

'25.11.2025

[1] For an alleged occurrence on 28.09.2012, the First Information Report (FIR) being FIR No. 430(09) 2012 in Singjamei Police Station for alleged offences under Section 9-A, 25-A/29 of 'the Narcotic Drugs and Psychotropic Substances Act, 1985 (Act No. 61 of 1985)' ['ND&PS Act'] was registered. This is dovetailed qua departmental proceedings which is subject matter of the captioned intra-court appeal.

[2] Mr. W. Darakishwor, learned Senior Panel Counsel for Central Government (Sr.PCCG) for appellants

requests for a short accommodation to get instructions about the present status qua afore-referred FIR.

[3] Request acceded to.

[4] List on 10.12.2025.'

[2] Today, Mr. W. Darakeshwar, learned Sr. Panel Counsel for Central Government (PCCG) for appellants, adverting to the earlier proceedings submitted that he has since got instructions regarding the criminal case. The criminal case is Special Trial No. 11 of 2021 on the file of Special Court NDPS, Lamphelpat, Imphal, charge sheet was filed on 02.01.2020, cognizance was taken on 06.03.2021 and charges were framed on 02.05.2023. The Investigating Officer had submitted a list of 20 witnesses and the 2nd witness on the side of the prosecution is now being examined, the last listing before the NDPS Court was on 20.11.2025 and the next listing is on 18.12.2025.

[3] Mr. Kh. Tarunkumar, learned senior counsel instructed by Mr. M. Rustam, learned counsel on record for sole respondent, submitted that the campaign of respondent against the Departmental Enquiry (DE) as projected before the Hon'ble Single Bench and as it is now being pursued is predicated on 3 (three) points and the same are as follows:

- (i) Rule 36(8)(a) of 'the Central Industrial Security Force Rules, 2001' ('CISF Rules', for the sake of brevity)

provides for defence assistance and Controlling Officer will depute one person *qua* three choices of the delinquent. It is imperative for enquiry officer to give such a choice but such a choice was not given to the delinquent;

(ii) Charge No. 3 which alone is subjected to contestation (to be noted, charges 1 & 2 are admitted) is vague *inter alia* as it does not even mention about what the objectionable item is;

(iii) The enquiry officer has virtually assumed the role of Presiding Officer *i.e.*, prosecutor (*inter alia* by examining the delinquent as opposed to asking a few questions) and has also decided the case which is impermissible.

[4] On the first point, Mr. W. Darakeshwar, learned Sr. PCCG, submitted that the option of defence assistance was given to the delinquent in the DE but there is no mention about this in the enquiry report. Learned Sr. PCCG sought time to produce the DE files in this regard.

As regards second point, both sides submitted that they will make submissions.

As regards third point also, it is necessary to peruse the DE files.

[5] Mr. W. Darakeshwar, learned Sr. PCCG sought time to produce the entire DE files flagging/bookmarking the relevant portions of the file.

[6] Request acceded to.

[7] List on 19.02.2026.

Sandeep

JUDGE

CHIEF JUSTICE