

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

WP No. 27476 of 2025

(SHRI HAJI ABDUL RAJIAK Vs THE STATE OF MADHYA PRADESH AND OTHERS)

Dated : 12-02-2026

Shri Mohd. Ali - learned Senior Advocate assisted by Shri Sharik Akeel Farooqui - Advocate for the petitioner.

Shri Harpreet Singh Ruprah - learned Additional Advocate General assisted by Shri Manas Mani Verma - Government Advocate for respondents/ State.

Shri Sanjay K. Agrawal - Senior Advocate assisted by Shri Mihir Agrawal - Advocate for respondent No.8.

Shri Harpreet Ruprah has drawn our attention to the order dated 8th July, 2025 passed by Hon'ble Coordinate Bench in Writ Petition No.36218 of 2024 whereby one Smt. Subeena Begum had filed a writ petition which was withdrawn reserving the right of the detenu to initiate appropriate proceedings in accordance with law.

Shri H. S. Ruprah submits that infact none of detention orders under NSA are invogue as on today or at the time of filing of writ petition. It is submitted that the present is a case where when detention order is not available on record, then the remedy available to the petitioner is to seek bail in appropriate Criminal Case where he has been lodged in jail.

It is also submitted that once petition was withdrawn as is evident from order dated 8th July, 2025, then the prudent course available to the petitioner was to file appropriate proceedings like bail applications or

quashing of criminal proceeding under Section 482 or its equivalent under BNSS Act and not to file writ petition.

Shri Mohd. Ali disputes this proposition at first blush. However, he prays for certain time to seek clarifications and instructions in regard to order dated 08.07.2025.

List in the week commencing 16th March, 2026.

(VIVEK AGARWAL)
JUDGE

(RAJENDRA KUMAR VANI)
JUDGE

mrs. mishra