**IN THE HIGH COURT OF JHARKHAND AT RANCHI**
**Criminal Appeal (D.B.) No.928 of 2026**
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Mangal Munda, aged about 24 years, son of Ato Munda, resident of village-Chipibandadih (Jilingpiri), P.O. + P.S.- Tamar, District-Ranchi (Jharkhand).

**... Appellant**

**Versus**

Union of India through National Investigation Agency

**... Respondent**

**CORAM: HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD**
**HON'BLE MR. JUSTICE ARUN KUMAR RAI**

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For the Appellant : Mr. Birendra Kumar, Advocate
For the Respondent :Mr. Amit Kumar Das, Sr. Adv. (Spl. P.P., NIA)
Mr. Saurav Kumar, AC to Spl. P.P., NIA

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**CAV on 15.09.2026** **Pronounced on 06/10/2026**

***Per Sujit Narayan Prasad, J.***

**Prayer**

**1.** The instant appeal preferred under Section 21(4) of the National Investigation Agency Act, 2008 is directed against the order dated 21.01.2026 passed by the AJC-XVI-cum-Spl. Judge, NIA, Ranchi in Misc. Cr. Application No.48 of 2026, [Special (NIA) Case No.02/2021] corresponding to R.C. No.02/2021/NIA/RNC, arising out of Toklo P.S. Case No.09 of 2021 registered for the offence under Sections 147, 148, 149, 120B, 121/121A, 307, 302, 333 and 353 of the Indian Penal Code, Section 3/4 of the Explosive Substance Act, Section 17 of the C.L.A. Act and Sections 16, 20, 38 & 39 of the Unlawful Activities (Prevention) Act

1967, whereby and whereunder, the prayer for regular bail of the appellant has been rejected.

**Prosecution case/Factual Matrix**

**2.** The brief facts of the prosecution case leading to this Criminal Appeal is that the superintendent of Police, West Singhbhum, had received an input from reliable sources regarding the movement of Anal Da @ Patriram Manjhi @ Toofan Da (CCM member) and Maharaj Pramanik @ Raj Pramanik, along with unknown cadres of CPI (Maoist) are roaming in Lanji forest area, under Toklo Police Station, District- West Singhbhum and planning to execute some big incident in that area and disrupt the development machinery. Accordingly, on direction of Superintendent of Police, Chaibasa, one special operation was launched from the Darkada (Jharjhara) base camp by the troops of Jharkhand Jaguar AG-II and C/197 CRPF BN.

**3.** It is further alleged that when informant along with search parties reached near slope of Lanji Hill, the troops of Jharkhand Jaguar AG II were on front and leading the operation and troops of CRPF/ 197 BN was moving behind the Jharkhand Jaguar AG-II. Suddenly, at about 8.30 hours, a heavy blast took place from the left flank approx. 100-150 meters on the hill from the base of Lanji Hill. In retaliation to the blast, six rounds were fired by Constable Vijay Yadav of Jharkhand Jaguar towards the hill for his

self-defence, when the troops heard the sound of blast, all the operation team took position for a while.

**4.** In the meantime, Section Commander of the Jharkhand Jaguar informed through wireless set that an IED blast has taken place and five jawans of his team and one Jawan of CRPF got injured and out of them two become martyred and rest injured were rescued to Medica hospital Ranchi. Later on, one head constable also attained martyrdom after reaching Medica hospital, Ranchi, Jharkhand.

**5.** Accordingly, a case was registered on the basis of written report made by Sub-inspector of Police, Ramdeo Yadav as Toklo P.S. Case No.09 of 2021 under Sections 147, 148, 149, 353, 120B, 121, 121A, 307, 302,333 and 353 of the Indian Penal Code (I.P.C.), Section 3/4 of Explosive Substances Act, Section 17 of the C.L.A. Act 1908 and under Sections 16, 20, 38 & 39 of the Unlawful Activities (Prevention) Act 1967 (UA(P) Act 1967) against the thirty-three named accused persons along with 20-25 unknown members of banned terrorist Organisation i.e. CPI (Maoist).

**6.** Later on, considering the gravity of the offence, Ministry of Home Affairs, Government of India vide order dated 20.03.2021 directed National Investigation Agency (NIA), Ranchi to take over the investigation of the Toklo P.S. Case No.09 of 2021.

**7.** In compliance to the directions of the Ministry of Home Affairs, Government of India, (Order No. F.No.11011/25/2021/NIA dated 20.3.3021), NIA, Ranchi re-registered the aforesaid case as RC-02/2021/ NIA/RNC dated 24.03.2021 under Sections 147, 148, 149, 120B, 121, 121A, 307, 302, 333 and 353 of the Indian Penal Code (I.P.C.), Section 3/4 of Explosive Substances Act, Section 17 of the C.L.A. Act 1908 and under Sections 16, 20, 38 & 39 of the Unlawful Activities (Prevention) Act 1967 (UA(P) Act 1967) against the accused persons.

**8.** After obtaining the administrative approval of the competent authority the case docket and case exhibits were transferred to the NIA by the Investigating agency and accordingly, investigation was taken up by the NIA.

**9.** On 07.09.2021, charge-sheet was submitted against 19 accused persons and the present appellant was arrayed as an Accused no.9 (A-9).

**10.** The present appellant has remained in custody since year 2021. Thereafter, he preferred an application being Misc. Cr. Application No.1544 of 2022 before the Court concerned seeking bail, but the same was rejected on 16.08.2022.

**11.** Aggrieved by the order dated 16.08.2022, the appellant preferred *Criminal Appeal (DB) No.* 1159 of 2022

before this Court, which was dismissed on merits, vide order dated 12th March, 2024.

**12.** Consequently, upon completion of five years of custody, the appellant renewed his prayer for release by preferring Misc. Criminal Application No. 48 of 2026 before the NIA Special Court, Ranchi seeking regular bail. The said application, however, has been rejected vide order dated 21.01.2026, against which, the present appeal has been filed.

**Submission of the Learned Counsel for the Appellant**

**13.** Learned counsel for the appellant has assailed the impugned order on the following grounds: -

**(i)** It has been submitted that the appellant is innocent and has committed no offence and has falsely been implicated in the case.

**(ii)** The learned court below failed to appreciate and consider that the appellant has no any nexus with extremist organization, thus, the appellant cannot be brought within the ambit and scope of Act, 1967.

**(iii)** The thrust of the argument of the learned counsel for the appellant is long incarceration.

**(iv)** The appellant is not named accused in the FIR and he has been arrayed as an accused in the instant case only on the basis of suspicion and after his

arrest, his confessional statement was recorded which led to recovery of nothing.

**(v)** He is in custody since 13.03.2021, i.e., almost 5 years and the instant case is running at the stage of evidence and as such, there is no chance of conclusion of the trial in near future. The basis of such submission is that altogether 169 witnesses, are to be examined, out of which, only 43 witnesses have been examined.

**(vi)** It has been contended, with reliance placed upon the pronouncement of the judgment of Hon'ble Supreme Court in ***Syed Iftikhar Andrabi v. National Investigation Agency, Jammu, 2026 INSC 503***, that the Apex Court has unequivocally observed that notwithstanding the statutory embargo engrafted under Section 43-D(5) of the Unlawful Activities (Prevention) Act, 1967, the overarching principle continues to be that bail is the rule and jail the exception. On the strength of the said dictum, it is submitted that since the appellant has already undergone five years of judicial custody, he ought now to be enlarged on bail in consonance with the aforesaid enunciation of law.

**14.** Learned counsel for the appellant, on the aforesaid premise, has submitted that the learned special court

ought to have considered these aspects of the matter but having not been considered, therefore, the impugned order requires interference.

**Submission of the Learned Senior Counsel for the Respondent-NIA**

**15.** While, on the other hand, learned senior counsel appearing for the respondent-NIA has defended the impugned order on the following grounds: -

**(i)** It has been submitted that the prayer for regular bail of the appellant has already been considered and rejected on merits by this Court, upon due application of the principles enunciated by the Hon'ble Supreme Court in ***National Investigation Agency v. Zahoor Ahmad Shah Watali, (2019) 5 SCC 1; Union of India v. K.A. Najeeb, (2021) 3 SCC 713*;** and ***Gurwinder Singh v. State of Punjab and Another, 2024 SCC OnLine SC 109***. The rejection of the appellant's bail plea, would be evident from the order appended as Annexure-B to the counter-affidavit.

**(ii)** It has been submitted by referring to the nature of allegation that the direct nexus of the present appellant is in planting explosive, i.e., IED resulting into death of three police personnel in the area.

**(iii)** Rebutting the argument advanced on behalf of the appellant and contending the non-applicability of the judgment rendered by the Hon'ble Apex Court in the case of ***Syed Iftikhar Andrabi (supra)***, based upon the argument showing this Court that altogether 169 witnesses are to be examined, is absolutely incorrect, since, it has specifically been stated in the counter affidavit that the prosecuting agency is very much showing due diligence in expeditious disposal of the trial and for the aforesaid reason, the number of witnesses has pruned from 169 to 97 witnesses.

**(iv)** It is incorrect on the part of the appellant that only 43 witnesses have been examined, rather, the case was posted on 8th of this month and on that date, two witnesses have been discharged and now, 45 witnesses have been examined out of 97 witnesses.

**(v)** Learned senior counsel for the NIA has submitted that the judgment as rendered by the Hon'ble Apex Court in the case of ***Syed Iftikhar Andrabi (supra)*** is not applicable, since in the said case, the Hon'ble Apex Court has taken into consideration the judgment rendered by the Hon'ble Apex Court in the case of ***Union of India Vs. K.A. Najeeb (supra)*** wherein consideration has been given by the Hon'ble Apex Court in a situation of not proper progress in

the trial, meaning thereby, a lethargic attitude of the prosecuting agency in conclusion of the trial. But herein, the aforesaid fact is not available, rather, the prosecuting agency is keen for early disposal of the trial and that is the reason, the number of witnesses have also been pruned and it has been brought down from 169 to 97 witnesses and 45 witnesses have already been examined.

**(vi)** It has further been submitted that the bail of several other co-accused with similar set of allegations has been rejected by this Court in ***Cr. Appl. (DB) No. 1277 of 2024 vide order dated 22.10.2024 (Jaiki Paradhi @ Jaiki @ JK vs. N.I.A.), Cr. Appl. (DB) No. 399 of 2022 vide order dated 28.01.2023 (Sorto Mahali & Anr. vs. N.I.A.), Cr. Appl. (DB) No. 990 of 2023 vide order dated 11.01.2024 (Suli Kandir vs. N.I.A.) and Cr.Appl.(DB) No. 1007 of 2022 vide order dated 29.11.2022 (Nyaz Ahmed vs. N.I.A.)***,

**16.** Mr. Das, learned counsel appearing for the respondent-NIA, has, on the strength of the aforesaid grounds, and more particularly by emphasizing the due diligence exhibited by the prosecution in ensuring the early conclusion of the trial as also the gravity and nature of the offence alleged against the appellant, submitted that the

present appeal does not merit acceptance and is not fit to be allowed.

**Analysis**

**17.** We have heard learned counsel for the parties and gone through the finding recorded by the learned Special Judge in the impugned order. We have also gone through the ground agitated on behalf of the appellant in the memo of appeal and the averment made in the counter-affidavit.

**18.** It is evident from record that the Superintendent of Police, West Singhbhum, acting on reliable intelligence inputs, received information that Anal Da @ Patriram Manjhi @ Toofan Da (a Central Committee Member of CPI–Maoist) and Maharaj Pramanik @ Raj Pramanik, along with other unidentified cadres, were moving in the Lanji forest area under Toklo Police Station, District West Singhbhum. They were suspected of planning a major disruptive incident to obstruct developmental activities. Pursuant to the directions of the Superintendent of Police, Chaibasa, a special operation was launched from Darkada (Jharjhara) base camp by the Jharkhand Jaguar AG-II unit in coordination with C/197 CRPF Battalion.

**19.** During the operation, when the search parties reached near the slope of Lanji Hill, the Jharkhand Jaguar AG-II troops were leading with CRPF personnel

following behind. At about 8:30 hours, a powerful blast occurred from the left flank, approximately 100–150 meters up the hill. Constable Vijay Yadav of Jharkhand Jaguar fired six rounds in self-defence, and the operation team immediately took positions. The Section Commander reported via wireless that an IED blast had injured five jawans of Jharkhand Jaguar and one CRPF jawan. Two of them succumbed on the spot, while the others were evacuated to Medica Hospital, Ranchi. Subsequently, one head constable also attained martyrdom after reaching the hospital, raising the toll further**.**

**20.** On the basis of the written report submitted by Sub-Inspector Ramdeo Yadav, Toklo P.S. Case No. 09 of 2021 was registered against thirty-three named accused persons and 20–25 unknown cadres of the banned CPI (Maoist) under multiple provisions of the IPC, Explosive Substances Act, C.L.A. Act, and UA(P) Act. Considering the gravity of the offence, the Ministry of Home Affairs directed the National Investigation Agency (NIA), Ranchi, to take over the investigation, and accordingly the case was re-registered as RC-02/2021/NIA/RNC. The case docket and exhibits were formally transferred to NIA, which thereafter assumed charge of the investigation.

**21.** Following investigation, a charge-sheet was filed on 07.09.2021 against nineteen accused persons, including the present appellant who was arrayed as Accused No. 9. The appellant has remained in custody since 2021. His bail application was rejected on 16.08.2022, and the subsequent appeal (Criminal Appeal (DB) No. 1159 of 2022) was dismissed on merits by this Court on 12.03.2024. Upon completion of five years in custody, he renewed his prayer for bail before the NIA Special Court, Ranchi, through Misc. Cr. Application No. 48 of 2026, but the same was rejected on 21.01.2026, leading to the present appeal.

**22.** Admittedly, the bail application of the present appellant was rejected on 16.08.2022 by the court concerned and the subsequent appeal (Criminal Appeal (DB) No. 1159 of 2022) filed before this Court was also dismissed by this Court on merits on 12.03.2024, for ready reference the relevant paragraphs of the order dated 12.03.2024 are being quoted herein which reads as under:

> *47. This Court, on the basis of the aforesaid position of law and the factual aspect as has been gathered against the appellant is proceeding to examine as to whether the accusation against the appellants is prima facie true as compared to the opinion of accused not guilty by taking into consideration the material collected in course of investigation.*
>
> *48. Counter affidavit has been filed by the respondent wherein the charge-sheet dated 07.09.2021 has been appended as Annexure-A.*
>
> *49. It is evident from the counter affidavit that the appellant has been charge-sheeted accused (A-9) of the instant case.*
>
> *50. After investigation NIA submitted chargesheet against the appellant and it is evident from the perusal*

*of charge-sheet that NIA in his investigation found that cadre of the CPI (Maoist) hatched conspiracy with the help of the supplied iron pipe by the appellant which is mentioned in para 17.5.2 & 17.14.03 of the chargesheet. For ready reference the aforesaid para are being quoted herein under:-*
*"17.5.2. During investigation it has been established that the arrested accused A-7 was an associate of accused A-11, A-12 and A-14 and was helping the armed cadres of CPI(Maoist), a banned terrorist organization, by supplying explosive materials. It is also established that the accused A-9 was working on the directions of absconding accused A-13 and was also supplying Iron Pipes for using them to fabricate improvised explosive device / IED and in disruptive activities against the security forces.*

***17.14 Offences Established during Investigation***

***17.14.03: Role. Activities and Offences established against the arrested accused Mang Munda (A-9), in the instant crime:***

*it is established that arrested accused was an octane of the armed cadre of CPI (Maoist), a banned organisation declared by the Government of India Accused A-9 used to arrange Iron Pipes (for using them in IED) and further supply the same to the armed cadres of CPI (Maoist) and he was also associated with the criminal conspiracies, hatched by the cadres of CPI (Maoist) against the government, has been established that accused A-9 was in contact of A-13, A-14, A-32, A-43 and other cadres of CPI (Maoist) and further on their instructions, he used to supply the iron pipes, knowing fully well that such iron pipes were to be actually used for the terrorist acts. The Iron pipes are being used by the CPI(Maoist) to fabricate IEDs for killing personnel of security forces and looting their weapons and committing disruptive activities to threaten the Security, Sovereignty and Integrity of India. Therefore, as per averments made in pre-para, it is established that accused A-9, became an Over Ground Worker/member of CPI (Maoist), a proscribed organization and participated in the conspiracy hatched among co-accused with common intention to assemble with deadly weapons to carry out terrorist attack on the police patrolling party at Lanji Forest Hill on 04.03.2021. Accused A-9 had arranged and supplied the iron pipes, which were using by the armed cadres of CPI (Maoist) for fabricating an IED and further planting them in different areas. Thereby, arrested accused A- has committed offences U/s 20, 38 & 39 of UA (P) Act, 1967 and Sections 3 & 4 of Explosive Substance Act."*

*51. Thus, from perusal of the charge-sheet it appears that the present appellant (A-9) used to arrange Iron Pipes (for using them in IED) and further supply the same to the armed cadres of CPI (Maoist) and he was*

*also associated with the criminal conspiracy, hatched by the cadres of CPI (Maoist) against the government. It has been established that the appellant was in contact with Anal Da(A-13), Maharaj Pramanik((A-14), Amit Munda and other cadres of CPI (Maoist) and on their instructions, he used to supply the iron pipes, knowing fully well that such iron pipes were to be actually used for the terrorist acts. These Iron pipes are regularly being used by the CPI (Maoist) to fabricate IEDS for killing personnel of security forces and for committing various disruptive activities to threaten the Security, Sovereignty and Integrity of India.*

*52. It appears from the aforementioned paragraph of the charge-sheet that the appellant was close associate of the CPI Maoist a banned terrorist organisation declared by the Govt. of India and on the basis of material brought on record it appears that the appellant was part of the criminal conspiracy hatched with association and direction of armed cadres of CPI Maoist.*

*53. It appears from the content of the charge-sheet that there is prosecutable evidence against the appellant which is supported by documentary evidence of the chargesheet.*

*54. Further, it appears from record that the appellant had a clear knowledge that CPI (Maoist) is a proscribed terrorist organization and involved in many terrorist acts across the State. Despite having such knowledge, he continued his nexus with the said terrorist organization and he acted in blatant contravention of laws and impair the safety and security of citizens and the State.*

*55. Thus, from perusal of the paragraphs of the charge sheet, it prima facie appears that the appellant has associated himself with terrorist organisation CPI (Moist) and aided the said organization voluntarily to further its terrorist activities.*

*56. Learned counsel for the appellant has taken the ground of custody and has also taken the aid of the judgment passed by the Hon'ble Apex Court in the case of* ***Union of India Vs. K.A. Najeeb*** *(supra).*

*57. It has been contended by taking aid of the aforesaid judgment that in the instant case there is no probability in near future that trial will be concluded, hence, taking into consideration the period of custody, and probable delay in trial, it is a fit case where the appellant deserves to be released from judicial custody.*

*58. While, on the other hand, learned counsel appearing for the respondent has seriously disputed the aforesaid fact apart from the merit that the present appellant is having a close association with the CPI (Maoist) a banned organization.*

*59. The contention has been made that the judgment relied upon by the learned counsel for the appellant i.e. the judgment rendered by the Hon'ble Apex Court in the case of* ***Union of India Vs. K.A. Najeeb*** *(Supra), is not fit to be accepted, reason being*

*that in the said case, the Hon'ble Apex Court taking in to consideration the huge number of witnesses i.e. 276, put a pin-pointed question therein for reducing the number of witnesses by the investigating agency and when the same has been shown to be not possible then the Hon'ble Apex Court, by taking into consideration the period of custody and there is no likelihood of conclusion of the trial in near future, has not interfered in the order granting bail to the respondent-accused.*

*60. But here in the instant case, the appellant is closed associate by giving direct aid to the Naxal outfit and supplying iron pipe which was eventually used to carry the IED blast which resulted into death of 03 police personnel. Further, on instruction, it has been submitted by the learned counsel appearing for the Respondent-State that the prosecuting authority depending upon the situation will also reduce the number of witnesses and try to conclude the trial without any unnecessary delay as such in aforesaid fact the judgment as relied by the learned counsel for the appellant is not applicable in the facts of the instant case.*

*61. Considering the above facts and circumstance and after going through the evidence of the prosecution witnesses, case diary, chargesheet and other documentary evidence recorded by the NIA it is evident that there is direct and serious allegation against the appellant that in nexus with the member of proscribed organization, the present appellant supplied iron pipe, to the armed cadres of CPI who used the said iron pipe in IED blast on 04.3.2021 when armed troops were moving on the forward slope of Lanji forest hills under PS Toklo in which three security personnel were killed and few became seriously injured. Therefore, allegation against petitioner appears to be very serious in nature and a prima facie case is made out against him.*

*62. So far as the argument regarding reliance having been placed upon the judgment of* ***Union of India vs. K.A. Najeeb*** *(Supra) is concerned, this Court is of the view that in the facts and circumstances the aforesaid judgment will not be applicable herein since in the said case altogether 276 charge-sheeted witnesses were to be examined and on the pin-pointed question by the Hon'ble Apex Court, the investigating agency has submitted that there is no question of reducing the number of charge-sheeted witnesses and in view thereof and considering the period of custody, i.e., more than 5 and half years and also taking into consideration the spirit of Article 21 of the Constitution of India the Hon'ble Apex Court has not interfered in the order by which the bail was granted to respondent-accused.*

*63. While, the fact of the instant case is that there are only 148 witnesses as per the charge-sheet dated 07.09.2021 which is very much less in comparison to 276 witnesses of aforesaid case.*

*64. Further, in the instant case it has been submitted by the learned counsel appearing for the state*

*on instruction that in course of trial, the number of charge-sheeted witnesses may also be reduced depending upon the situation and trial may be concluded in shortest time period.*

*65. Further, the appellant has the active nexus of the banned terrorist organization and he has direct role as supplier of the iron pipe which are being used by the CPI(Maoist) to fabricate IEDs for killing personnel of security forces and looting their weapons and committing disruptive activities to threaten the Security, Sovereignty and Integrity of India as per the discussion made hereinabove.*

*66. This Court considering the aforesaid distinguishing fact in the present case by taking into consideration the active involvement of the appellant with the banned organization and further taking in to gravity of the offence, is of the view that the judgment rendered by the Hon'ble Apex Court in the case of* ***Union of India vs. K.A. Najeeb*** *(Supra) is not fit to be applied herein.*

*67. It is pertinent to mention here that an application for bail (Cr. Appeal (DB) No. 399 of 2022) has been preferred by the co-accused persons namely Sorto Mahali @ Don @ Rava @Tiera Mahli (A-7) and Ramrai Hasda @ Ramrai Hansda (A-1) which has been dismissed vide order dated 18.01.2023 by the Co-ordinate Bench of this Court.*

*68. Further the bail applications of other co-accused persons namely Jaiki Paradhi @ Jaiki and Suli Kandir @ Suleman Kandir, have already been rejected by this Court vide order dated 10.01.2024, and 11.01.2024 passed in Criminal Appeal (DB) No. 1141 of 2023 and 990 of 2023 respectively.*

*69. Accordingly, this Court, on the basis of the facts as referred hereinabove and coming to the provision of Section 43D(5) of the Act, 1967 as also the judgment rendered by the Hon'ble Apex Court in the case of* ***Zahoor Ahmad Shah Watali (supra)*** *and* ***Gurwinder Singh Vs State of Punjab and Another(supra)*** *is of the view that it cannot be said that the allegation levelled against the appellants is prima facie untrue.*

*70. In view of the foregoing discussions, we find no illegality in the impugned order dated 16.08.2022 passed in Misc. Cr. Application No.1544 of 2022 by AJC-XVI-cum-Spl. Judge, NIA, Ranchi rejecting the bail petition of the appellant, as such order impugned requires no interference by this Court.*

*71. In the result, we find no merit in instant appeal, hence, the same is dismissed."*

**23.** It is evident from perusal of the order/judgment dated 12th March, 2024 that this Court first examined the object and purpose of the Unlawful Activities (Prevention)

Act, 1967, noting that it was enacted to safeguard the sovereignty and integrity of India by preventing unlawful and terrorist activities. It emphasized that membership or association with a proscribed organization like CPI (Maoist) attracts penal consequences under Sections 10(a)(i), 13, 15, and related provisions of UAP Act 1976.

**24.** It has further been observed that Under Section 3 and Section 10(a)(i) of the Act, membership of an unlawful association is punishable. CPI (Maoist) is listed as a terrorist organization in the First Schedule. Section 13 criminalizes participation, advocacy, or abetment of unlawful activities, while Section 15 defines terrorist acts. Thus, the statutory framework imposes strict liability on those associating with proscribed organizations.

**25.** Further, this Court has elaborately discussed the mandate of Section 43D (5) of UAP Act 1967 and has observed that Section 43D (5) of UAPA places a stringent restriction on bail, mandating that if the Court finds reasonable grounds to believe accusations are prima facie true, bail cannot be granted. This Court has also taken reference the judgment Supreme Court in ***NIA v. Zahoor Ahmad Shah Watali (supra)*** clarified that "prima facie true" means the evidence collected must prevail until rebutted and should show complicity on its face.

**26.** The Court also emphasized that at the bail stage, it is not required to meticulously weigh evidence but only to assess broad probabilities of involvement. The judgment in the case of ***Zahoor Ahmad Shah Watali (supra)*** cautioned against detailed dissection of evidence at this stage, stressing that the Court's role is limited to forming a prima facie opinion.

**27.** It is further evident from order dated 12th March, 2024, by which, an appeal filed against the order rejection bail was dismissed that this Court had taken into consideration the ratio rendered by the Hon'ble Supreme Court in ***Gurwinder Singh v. State of Punjab (supra),*** wherein, the Supreme Court held that if accusations appear *prima facie* true, unlike ordinary bail jurisprudence, the maxim "bail is the rule, jail is the exception" does not apply under UAPA. The Court highlighted the ratio rendered in the said case that bail under UAPA follows a twin-prong test: first, whether accusations prima facie make out offences under Chapter IV or VI of UAPA, based on case diary and charge-sheet; second, if not, then applying the general "tripod test" under Section 439 CrPC (flight risk, witness influence, evidence tampering).

**28.** Applying these principles, the Court examined the charge-sheet filed by NIA. It records that the appellant (A-9) supplied iron pipes to CPI (Maoist) cadres for fabricating

IEDs, acting under instructions of absconding accused A-13. He was in contact with senior Maoist leaders and knowingly aided their terrorist activities.

**29.** This Court has further observed that the charge-sheet establishes that the appellant was an over-ground worker of CPI (Maoist), directly participating in conspiracies against the State. His supplied iron pipes were used in the IED blast of 04.03.2021 at Lanji Forest Hill, which killed three security personnel and injured others. Thus, prosecutable evidence exists against him.

**30.** In the said appeal, the appellant argued for bail by placing reliance on ***Union of India v. K.A. Najeeb (supra),*** wherein bail granted by the High Court was not interfered by the Hon'ble Supreme Court due to probable delay in trial citing large number of witnesses.

**31.** However, this Court distinguished the case of ***Union of India v. K.A. Najeeb (supra),*** noting here only 148 witnesses are listed, far fewer than the 276 witnesses in ***K.A. Najeeb (supra)*** case, and the State has indicated willingness to reduce witnesses to expedite trial.

**32.** Thus, upon due consideration of the appellant's active nexus with CPI (Maoist), his role in supplying materials intended for terrorist operations, and the gravity of the offence, this Court concluded that the principles enunciated by the Hon'ble Supreme Court in ***NIA v.***

***Zahoor Ahmad Shah Watali*** **(supra)** and ***Gurwinder Singh v. State of Punjab*** **(supra)** squarely apply. It was further observed that the accusations against the appellant are prima facie true, rendering reliance upon the precedent in ***Union of India v. K.A. Najeeb (supra)*** inapposite. Accordingly, the plea for allowing the appeal was dismissed, the Court holding that the appellant's involvement is grave and directly connected with the fatal IED blast.

**33.** Thus, from the order dated 12th March, 2024, it is manifest that this Court, while rejecting the appeal preferred by the appellant, had undertaken an elaborate discussion touching upon the culpability of the appellant, the underlying object and scheme of the Unlawful Activities (Prevention) Act, 1967, and the import of Section 43-D (5) thereof. The Court further examined the settled position of law as enunciated by the Hon'ble Supreme Court in ***Union of India v. K.A. Najeeb*** **(supra) and** ***Gurwinder Singh v. State of Punjab*** **(supra),** and upon such consideration, recorded its conclusion adverse to the appellant.

**34.** Now this Court is adverting to the merit of the instant appeal.

**35.** The instant appeal has been preferred assailing the order dated 21.01.2026 passed in Misc. Criminal Application No. 48 of 2026, whereby, the bail application of the present appellant filed on the grounds of prolonged

incarceration extending to five years and the probable delay in conclusion of trial came to be dismissed.

**36.** Thus, from the aforesaid factual matrix, it is evident that this Court, on the earlier occasion, had already undertaken a detailed consideration of the culpability and role of the present appellant in the alleged commission of the crime involving the killing of three police personnel/special force in the IED blast, and had consequently rejected his prayer for bail. In the present round of litigation, therefore, the only surviving consideration is confined to the aspect of probable delay in conclusion of the trial and the prolonged incarceration of five years undergone by the appellant.

**37.** Since, no fresh ground or change in circumstance is available herein, therefore, the learned counsel for appellant has taken the ground of long custody, i.e., about 5 and ½ years approximately and probable delay in conclusion of trial has also been taken as one of the grounds.

**38.** In the instant case, there is accusation of the offence against the appellant under Chapter IV of the 1967 Act have been alleged and it is settled proposition of law that the Court while considering bail under Section 43D(5) of the 1967 Act has to consider whether there are reasonable grounds for believing that the accusation

against the accused is prima-facie true and if a charge sheet is already filed, the Court has to examine the material forming a part of charge sheet for deciding the issue, whether there are reasonable grounds for believing that the accusation against such a person is *prima facie* true. While doing so, the Court has to take the material in the charge sheet as it is.

**39.** Further, the Hon'ble Supreme Court while taking into consideration of provision of Section 43D(V) of the 1967 Act in the case of ***National Investigation Agency Vrs. Zahoor Ahmad Shah Watali (supra)*** has categorically held in the case that once charges are framed, it would be safe to assume that a very strong suspicion was founded upon the materials before the Court, which prompted the Court to form a presumptive opinion as to the existence of the factual ingredients constituting the offence alleged against the accused, to justify the framing of charge. In that situation, the accused may have to undertake an arduous task to satisfy the Court that despite the framing of charge, the materials presented along with the charge-sheet (report under Section 173 Cr.P.C.), do not make out reasonable grounds for believing that the accusation against him is prima-facie true.

**40.** In the instant case from perusal of charge-sheet, it is *prima facie* apparent that the present appellant had

assisted the proscribed terrorist organization CPI (Maoist), and as such, the provisions of the Unlawful Activities (Prevention) Act, 1967 are attracted against him. It is further revealed during the course of investigation that the appellant was engaged in procuring iron pipes and supplying the same to the armed cadres of CPI (Maoist), which were subsequently utilized as components in the fabrication of Improvised Explosive Devices (IEDs), as discussed in earlier order of this Court. On the basis of the material collected during investigation, it is revealed that the appellant was an integral part of the larger criminal conspiracy, acting in concert with and under the direction of the armed Maoist cadres, and that the iron pipes supplied by him were used in carrying out the IED blast at Lanji forest, which resulted in the death of three police personnel and caused grievous injuries to several others.

**41.** So far as the issue of custody and probable delay in trial is concerned, this Court is conscious that Article 21 of the Constitution of India refers about the right to liberty. The applicability of Article 21 of the Constitution of India has been taken into consideration by the Hon'ble Apex Court but simultaneously, the consideration has also been given how to make a balance in between Article 21 of the Constitution of India and the imputation against the accused which is serious in nature like that of the present

case wherein the culpability of the present appellant under the U.A.(P) Act, 1967 (herein referred as Act 1967) is one of the core issue.

**42.** The Hon'ble Apex Court in its recent judgment in the case of ***Gulfisha Fatima versus State (Govt. of NCT of Delhi) 2026 LiveLaw (SC) 1*** while appreciating the implication of Article 21 vis-a-viz Section 43D (5) of the Act 1967 and taking into the consideration the ratio laid down in the case of ***Gurwinder Singh v. State of Punjab (supra)*** has categorically observed that if prosecutions alleging offences which implicate the sovereignty, integrity, or security of the State, delay does not operate as a trump card that automatically displaces statutory restraint, for ready reference, the relevant paragraphs of the aforesaid judgment are being quoted as under:

> *"32. In Union of India v. K.A. Najeeb, this Court recognised a constitutional safeguard that cannot be ignored: statutory restrictions cannot be applied so as to render the guarantee of personal liberty illusory. It was held that where the trial is not likely to commence or conclude within a reasonable period, constitutional courts retain the jurisdiction to grant bail notwithstanding statutory restraints. The decision thus operates as a protection against unconscionable detention and there can be no second opinion on the said principle.*
> *33. The same decision, however, does not indicate as laying down a mechanical rule under which the mere passage of time becomes determinative in every case arising under a special statute. The jurisprudence of this Court does not support a construction whereby delay simpliciter eclipses a statutory regime enacted by Parliament to address offences of a special category.*
> *35. The proper constitutional question, therefore, is not whether Article 21 is superior to Section 43D (5). The proper question is how Article 21 is to be applied where Parliament has expressly conditioned the grant of bail in relation to offences alleged to implicate national security.*

*The law does not contemplate an either-or approach. Nor does it contemplate an unstructured blending of statutory and constitutional considerations. What is required is disciplined judicial scrutiny that gives due regard to both.*

*47. A closely allied consideration is the role attributed to the accused. Prosecutions under the UAPA may allege varying degrees of participation, ranging from peripheral acts to strategic, organisational, or ideological centrality. The constitutional significance of prolonged incarceration cannot be assessed uniformly for all accused regardless of role. Where the attribution suggests a central or organising role in the alleged design, the need for circumspection before constitutional intervention displaces a statutory embargo is correspondingly greater. Conversely, where the role is peripheral or episodic, prolonged incarceration may more readily assume a punitive character.*

*56. It therefore becomes necessary to state, with clarity, the governing approach. In prosecutions alleging offences which implicate the sovereignty, integrity, or security of the State, delay does not operate as a trump card that automatically displaces statutory restraint. Rather, delay serves as a trigger for heightened judicial scrutiny. The outcome of such scrutiny must be determined by a proportional and contextual balancing of legally relevant considerations, including (i) the gravity and statutory character of the offence alleged, (ii) the role attributed to the accused within the alleged design or conspiracy, (iii) the strength of the prima facie case as it emerges at the limited threshold contemplated under the special statute, and (iv) the extent to which continued incarceration, viewed cumulatively in the facts of the case, has become demonstrably disproportionate so as to offend the guarantee of personal liberty under Article 21.*

*58. In Gurwinder Singh v. State of Punjab, this Court expressly cautioned against the mechanical invocation of prolonged incarceration as a ground for bail in cases involving serious offences under special enactments. The judgment reiterates that the gravity of the offence, the legislative context, and the prima facie material on record cannot be eclipsed merely because the trial has taken time.*

*59. This Court in CBI v. Dayamoy Mahato reiterated that while Article 21 remains paramount, it does not operate in a vacuum divorced from competing constitutional interests. The Court emphasized that claims to liberty must be examined in the totality of circumstances, particularly where allegations implicate organised criminality or matters of public interest. Delay, though undoubtedly significant, was held not to assume the character of an absolute or solitary determinant. The emphasis, once again, was on structured judicial reasoning rather than on formulaic outcomes."*

**43.** It needs to refer herein that the Hon'ble Apex Court in the case of ***Gurwinder Singh v. State of Punjab (supra)*** taking into consideration the ratio of judgment of

***Union of India vs. K.A. Najeeb, (supra)*** has observed that mere delay in trial pertaining to grave offences as one involved in the instant case cannot be used as a ground to grant bail, for ready reference, the relevant paragraph is being quoted as under:

> *"46. As already discussed, the material available on record indicates the involvement of the appellant in furtherance of terrorist activities backed by members of banned terrorist organisation involving exchange of large quantum of money through different channels which needs to be deciphered and therefore in such a scenario if the appellant is released on bail there is every likelihood that he will influence the key witnesses of the case which might hamper the process of justice. Therefore, mere delay in trial pertaining to grave offences as one involved in the instant case cannot be used as a ground to grant bail. Hence, the aforesaid argument on behalf of the appellant cannot be accepted."*

**44.** Thus, in light of the settled principles of law, it stands clearly established that mere delay in the conduct of trial, when the charges pertain to aiding grave offences of the present nature resulting in the unfortunate death of three police personnel and injuries to five others in the IED blast cannot, by itself, furnish a valid ground for grant of bail. The gravity of the offence, coupled with its deleterious impact upon public order and the administration of justice, outweighs the plea founded upon delay. The constitutional guarantee under Article 21, though sacrosanct, cannot be invoked in isolation so as to dilute the seriousness of such allegations.

**45.** There is no dispute and it cannot be disputed that the jurisprudence of Article 21 has, as it develops, recognized various facets to be intrinsic to the right to life and liberty such as speedy trial, timely completion of investigation, fair trial etc. but at the same time circumspection in granting the relief of bail in offences that harmful to society such as in this case, stems from a place of concern, understandably legitimate at that, about public order, societal security, overall peace and the general deterrent force in criminal law.

**46.** The scales of justice must, therefore, be held in equipoise—balancing, on the one hand, the constitutionally consecrated and jealously guarded right to life and personal liberty under Article 21, and on the other, the recognition that individual liberty is not absolute but subject to just exceptions, namely, the paramount considerations of national security and societal interest.

**47.** There can be no manner of doubt that the rights guaranteed under Article 21 are placed on the highest pedestal, and rightly so. At the same time, however, the individual cannot invariably remain the sole focal point of judicial concern. We accordingly observe that while Article 21 rights must always be protected, in cases where the security of society and the nation is directly implicated,

the factor of long incarceration cannot, by itself, constitute a determinative ground for grant of bail.

**48.** The act of the accused persons must be looked at, on the whole, and all relevant factors must be given due consideration while granting or denying bail. Needless to add, any Court seized of bail application(s) arising out of such offences must record, in their order the reasons and factors that weighed with them in the ultimate outcome.

**49.** In view of the discussion made above it is the settled fact that the rights of an individual are always subservient to the nation/societal interest.

**50.** It is pertinent to note that subsequent to the verdict in ***Gulfisha Fatima v. State (supra),*** the Hon'ble Supreme Court rendered its judgment in ***Syed Iftikhar Andrabi v. National Investigation Agency, Jammu (supra).*** In the said pronouncement, while taking into account the ratio laid down in ***Union of India v. K.A. Najeeb (supra), Gurwinder Singh (supra),*** and ***Gulfisha Fatima (supra)***, the Apex Court observed that the principle emanates from Articles 21 and 22 of the Constitution, together with the presumption of innocence which forms the cornerstone of any civilised society governed by the rule of law. The Court clarified that although statutes may calibrate the application of this principle, particularly in matters concerning national security or terrorist offences for which

the UAP Act is designed, such statutory provisions cannot altogether invert the constitutional relationship between liberty and detention. It was further emphasized that even under the UAP Act, the governing maxim remains that "bail is the rule and jail is the exception"; however, in an appropriate case, bail may be denied having regard to the specific facts and circumstances involved, for ready reference, the relevant paragraph is being quoted herein which reads as under:

> ***"35.*** *The often-invoked phrase 'bail is the rule and jail is the exception' is not merely an empty statutory slogan flowing from the CrPC as Gurwinder has stated. It is a constitutional principle flowing from Articles 21 and 22 of the Constitution and the presumption of innocence which is the cornerstone of any civilised society governed by the rule of law. Statutes may undoubtedly calibrate the manner in which that principle is applied, particularly in cases involving national security or terrorist offences for which the UAP Act is meant, but those cannot altogether invert the constitutional relationship between liberty and detention. The statutory embargo of Section 43-D(5) must remain a circumscribed restriction that operates subject to the guarantee of Articles 21 and 22 of the Constitution.* ***Therefore, we have no manner of doubt in stating that even under the UAP Act, 'bail is the rule and jail is the exception'; of course, in an appropriate case, bail can be denied having regard to the facts of that particular case."***

**51.** Based upon the judgment rendered by the Hon'ble Apex Court in the case of ***Syed Iftikhar Andrabi (supra),***

the argument has been advanced on behalf of the appellant to interfere with the impugned order so as to appellant may be allowed to be released from judicial custody.

**52.** The question of applicability of the said judgment has vehemently been opposed by the learned senior counsel for the NIA.

**53.** It needs to refer herein that the provision of Section 43-D (5) has been taken into consideration in the judgment rendered by the Hon'ble Apex Court in the case of ***Zahoor Ahmad Shah Watali (supra)*** wherein it has been observed about the implication of Section 43-D (5) of the Act 1967 in the matter of consideration of grant of regular bail.

**54.** Thereafter, the judgment has been rendered by the Hon'ble Apex Court in the case of ***K.A. Najeeb (supra).*** In the said case, altogether 276 charge-sheeted witnesses were to be examined and on the pin-pointed question by the Hon'ble Apex Court, the investigating agency has submitted that there is no question of reducing the number of charge-sheeted witnesses and in view thereof and considering the period of custody of respondent/accused, i.e., more than 5 and half years and also taking into consideration the spirit of Article 21 of the Constitution of India, the Hon'ble Apex Court has not interfered in the order by which the bail was granted to respondent-accused.

**55.** Thereafter, the case of ***Gurwinder Singh (supra)*** has come, wherein, the law has been laid down that in the case of the nature pertaining to UA(P) offences, the bail cannot be said to be a rule, rather, the bail will be exception and jail is the rule.

**56.** Thereafter, the Hon'ble Apex Court has rendered its judgment in the case of ***Gulfisha Fatima versus State (Govt. of NCT of Delhi) (supra)*** while appreciating the implication of Article 21 vis-a-viz Section 43D (5) of the Act 1967 and taking into the consideration the ratio laid down in the case of ***Gurwinder Singh v. State of Punjab (supra)*** has categorically observed that if prosecutions alleging offences which implicate the sovereignty, integrity, or security of the State, delay does not operate as a trump card that automatically displaces statutory restraint as stipulated in Section 43 (D) (5) of the Act 1967.

**57.** Thereafter, the Hon'ble Apex Court in the case of ***Syed Iftikhar Andrabi (supra)*** has considered the judgment rendered in the case of ***K.A. Najeeb (supra)*** and ***Gurwinder Singh (supra)*** and ***Gulfisha Fatima*** and has come out with the finding on the touchstone of Article 21 of the Constitution of India that irrespective of nature of crime, the long incarceration is itself ground for a bail.

**58.** This Court now proceeds to examine the rival submissions advanced on behalf of the learned counsel for

the appellant touching upon the applicability of the judgment rendered by the Hon'ble Supreme Court in ***Syed Iftikhar Andrabi v. National Investigation Agency, Jammu (supra),*** in the backdrop of the factual aspects of the present case and the stand taken, *inter alia*, by the respondent-NIA in its counter-affidavit.

**59.** There is no dispute that the implication of Section 43-D(5) of the Unlawful Activities (Prevention) Act, 1967 has been authoritatively settled by the Hon'ble Supreme Court in ***National Investigation Agency v. Zahoor Ahmad Shah Watali (supra),*** wherein, it was categorically held that the statutory bar under the said provision must be applied in assessing bail pleas under the Act.

**60.** There is equally no dispute that the constitutional mandate of Article 21 must be duly considered, as has been emphasized by the Hon'ble Supreme Court in ***Union of India v. K.A. Najeeb*** **(supra)** and ***Syed Iftikhar Andrabi v. NIA (supra)***. However, in ***K.A. Najeeb (supra),*** the Court's reasoning was founded upon a peculiar factual situation: despite a pointed query from the Hon'ble Apex Court regarding the possibility of pruning the number of witnesses, the prosecuting agency (NIA) categorically stated that such reduction was not feasible. The Court further noted that one of the co-accused had already been

convicted and sentenced to eight years' imprisonment, while the respondent-accused had by then undergone custody for five years. In that backdrop, with 276 witnesses yet to be examined, the Court observed that the trial would inevitably extend beyond eight years. It was in those circumstances, balancing the mandate of Article 21 against the improbability of an expeditious trial, that the Hon'ble Apex Court declined to interfere with the order granting bail to the accused.

**61.** Thus, on the basis of the aforesaid, it is evident that in the present case also, the paramount consideration must rest upon the due diligence and sincerity exhibited by the prosecution in ensuring the expeditious conclusion of the trial, weighed against the nature of the crime alleged and the role and culpability of the appellant as surfaced during the course of investigation. The balance between prosecutorial diligence and the gravity of the offence, therefore, assumes decisive importance in the adjudication of the appellant's plea for bail.

**62.** The Hon'ble Apex Court has been pleased to hold in the judgment rendered in the case of ***Syed Iftikhar Andrabi (supra)*** that irrespective of the nature of crime, Article 21 of the Constitution of India will apply by holding that ideally, more serious the accusations are, the speedier the trial should be.

**63.** The crux of the consideration made by the Hon'ble Apex Court is the speedier trial. If the trial is not going on expeditiously, then, certainly, for no fault of the accused person, he will be compelled to live in incarceration and in such situation, irrespective of the nature of crime, the bail has been held to be rule and the jail is exception.

**64.** This Court is now proceeding to examine, the conduct of the Prosecuting Agency as to whether they are showing their due diligence in conclusion of the trial expeditiously for the purpose to make out a balance of the principle laid down under Article 21 of the Constitution of India.

**65.** It is evident from the statement made in the counter affidavit at paragraph-7.11 that the trial is at an advanced stage and the prosecution has already pruned the total number of witnesses 169 to 97 for early disposal of the trial and as per affidavit of the respondent NIA out of 97 witnesses 43 witnesses have already been examined.

**66.** Mr. Das, learned counsel appearing for the NIA has submitted by referring to particular date, i.e., 08.09.2026 that on that date, two witnesses have been examined and both the witnesses have been discharged also.

**67.** It needs to refer herein that the discharge of two witnesses on 08.09.2026 is based upon the instruction of

Mr. Das, which has been referred in course of argument by him and hence, the same is being taken note.

**68.** Thus, it is evident that the investigating agency by reducing the number of witnesses from 169 to 97 witnesses, out of which, 45 witnesses have already been examined, as such, it cannot be said that the NIA is not taking due diligence in expeditious disposal of the trial.

**69.** In such situation, the gravity of charge as per the allegation needs to be seen for the purpose to make a balance.

**70.** Herein, as per the allegation, based upon that, the prayer for regular bail of the appellant has already been dealt with by this Court by passing order on 12th March, 2024 and the relevant paragraph of the said order has already been referred in the preceding paragraphs, is that the appellant/accused, A-9 was acting as an active associate/Over Ground Worker of the armed cadres of CPI (Maoist), a proscribed organization declared by the Government of India. It has further come on record that the said accused was regularly engaged in arranging and supplying iron pipes to the Maoist cadres, with full knowledge that such materials were to be utilized in the fabrication of Improvised Explosive Devices (IEDs) for carrying out terrorist activities. The investigation has also revealed that accused A-9 was in continuous contact with

co-accused persons, including A-13, A-14, A-32, A-43 and other members of CPI (Maoist), and was acting under their directions in furtherance of the larger conspiracy against the State. The iron pipes so supplied were used by the Maoist cadres for preparing and planting IEDs with the intent to target security forces, cause fatalities, loot weapons, and threaten the security, sovereignty and integrity of India. It has come on record that accused/appellant A-9 had consciously participated in the criminal conspiracy along with other co-accused, sharing a common intention to execute a terrorist attack on the police patrolling party at Lanji Forest Hill on 04.03.2021 in which 3 police personnel were died and five police personnel were also injured.

**71.** The facts of the case of *Syed Iftikhar Andrabi (Supra)* on the other hand is on the issue of recovery of a large number of Indian currency notes of 500 denomination as also six packets of suspected narcotic substances.

**72.** The reference to the nature of allegations in ***Syed Iftikhar Andrabi (supra)*** is made for the limited purpose of drawing a comparative analysis with the allegations in the present case, wherein, the incident has resulted in the loss of life of three police personnel. Such a grave occurrence, apart from its immediate tragic consequences, has the potential of demoralizing the morale of the State

Police force, thereby aggravating the seriousness of the offence and its impact upon public order.

**73.** In the circumstances, this Court is of the considered view that, since the number of witnesses has already been pruned from 169 to 97, out of which, 45 have been examined, and bearing in mind the allegation that the appellant was involved by providing aid in the form of supplying the pipe from which the IED was fabricated, planted, and ultimately used in the killing of three police personnel, there exists no cogent reason to interfere with the impugned order. The seriousness of the accusation, coupled with the progress already made in the trial, militates against the grant of bail at this stage.

**74.** Further, from paragraph-7.12 of the counter affidavit, it is evident that the appellant having one criminal antecedent of identical and serious nature being Toklo P.S. Case No. 09/2021 dated 04.03.2021 for offences alleged under section 147, 148,149, 120(B), 121, 121(A), 307, 302, 333, 353 of the Indian Penal Code, 1860 read with Section 3/4 of the Explosive Substance Act and Section 17 of the Criminal Law Amendment Act and 16, 20, 38, 39 of The Unlawful Activities (Prevention) Act.

**75.** Further, in paragraph-11 of the counter affidavit, it has been averred that if the appellant is released on bail, there are all probabilities that he may influence the

witnesses and tamper with the evidences, which may cause serious prejudice to the trial.

**76.** It is beyond doubt that Article 21 of the Constitution of India mandates consideration of the period of incarceration while adjudicating matters of bail. This Court, upon due regard to the pronouncement of the Hon'ble Apex Court in the relevant cases and its applicability to the facts herein, has deemed it appropriate to weigh the gravity of the accusation levelled against the petitioner. The allegation herein pertains to the aiding in killing of the three police personnel in IED blast along with injury of five other police personnel. The nature of the charge is of the gravest kind, and the complicity of the appellant in the commission of the alleged offence has prima facie surfaced during the course of investigation conducted by the NIA.

**77.** This Court, considering the gravity of the accusation made against this appellant and further taking into consideration the due diligence shown by the prosecution in early conclusion of trial by pruning the number of witnesses from 169 to 97 and out of 97 witnesses, 45 witnesses has already been examined is of the view that it will not be proper to enlarge the appellant on bail for the reason that for consideration of the matter of bail, the balance is to be maintained in between the long

incarceration and the nature of accusation made against the concerned accused person. Herein, the accusation is very serious and, as such, this Court has thought it proper not to interfere with the impugned order.

**78.** Thus, taking into consideration that this Court has earlier expressed its view while rejecting the prayer for grant of bail of the present appellant as referred hereinabove, as also, there is no vital change in circumstances, as also, taking into consideration the statement given on behalf of the respondent in counter affidavit that the trial is going on expeditiously, this Court is of the view that the order impugned dated 21.01.2026 passed in Misc. Criminal Application No. 48 of 2026 in connection with Special (NIA) Case No. 02/2021 requires no interference.

**79.** This Court, on consideration of the fact as aforesaid and applying the observation made by Hon'ble Apex Court to the effect that the balance is to be maintained in Article 21 of the Constitution of India and maintaining the rule of law, is of the view that the present appeal deserves to be dismissed and accordingly, dismissed.

**80.** Pending Interlocutory Application(s), if any, also stands dismissed.

**81.** It is made clear that any observation made herein will not prejudice the case of the appellant in course of trial

and view as expressed by this Court is only limited to the instant appeal.

**(Sujit Narayan Prasad, J.)**

**I Agree.**

**(Arun Kumar Rai, J.)** **(Arun Kumar Rai, J.)**

06/10/2026

Rohit/**A.F.R.**

Uploaded on 07.10.2026