

GAHC010162892024



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

**Case No. : Bail Appln./2439/2024**

JAFFAR ALAM @ JAFAR ALAM  
S/O MOHD, NAZIR @ NAZIR MOHAMMAD, R/O NEAR MECCA MASJID  
BHATINDI, P.S.-NASWAL, DIST- JAMMU, J AND K

VERSUS

THE UNION OF INDIA  
REPRESENTED BY THE PUBLIC PROSECUTOR/STANDING COUNSEL, NIA

**Advocate for the Petitioner** : MR Z HUSSAIN, MR A K DAS, MR. RASHIDUL ISLAM  
**Advocate for the Respondent** : SC, NIA,

**BEFORE**  
**HONOURABLE MRS. JUSTICE MALASRI NANDI**

**ORDER**

**19.08.2024**

Heard Mr. R. Islam, learned counsel for the petitioner as well as Mr. D. Bharadwaj, learned standing counsel, NIA.

This is an application under Section 483 of BNSS, 2023 prayed for grant of bail in connection with Special NIA Case No. 01/2024 arising out of RC-01/2023/NIA-GUW, STF PS Case No. 12/2023 registered under Sections 120B, 121A, 153A(1)/153B / 465/471/295A/109/307 IPC, R/W Section 14A(b) of Foreigners Act, 1946, R/W Section 12(1)(a)/12(1A)(a)(b)/12(2) of Passport Act added Section 17, 18, 18(B) of UA(P) Act.

Mr. D. Bharadwaj, learned standing counsel, NIA submits that this application is not maintainable as per section 21 of NIA Act.

I have considered the submission of learned counsel for both the parties also perused the order of the Special Judge, NIA, Assam, Guwahati wherefrom it appears that on 05.07.2024 the bail application preferred by the petitioner before the Special Judge, NIA in connection with Special NIA Case No. 01/2024 was rejected.

Section 21 of NIA Act is reproduced as follows-

“(1) Notwithstanding anything contained in the Code, an appeal shall lie from any judgment, sentence or order, not being an interlocutory order, of a Special Court to the High Court both on facts and on law.

(2) Every appeal under sub-section (1) shall be heard by a bench of two Judges of the High Court and shall, as far as possible, be disposed of within a period of three months from the date of admission of the appeal.

(3) Except as aforesaid, no appeal or revision shall lie to any Court from any judgment, sentence or order including an interlocutory order of a Special Court.

(4) Notwithstanding anything contained in sub-section (3) of section 378 of the Code, an appeal shall lie to the High Court against an order of the Special Court granting or refusing bail.

(5) Every appeal under this section shall be preferred within a period of thirty days from the date of the judgment, sentence or order appealed from:

Provided that the High Court may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that the appellant had sufficient cause for not preferring the appeal within the period of thirty days:

Provided further that no appeal shall be entertained after the expiry of period of ninety days.”

In view of the above, this bail application under Section 483 of BNSS, 2023 is not maintainable and stands dismissed.

Bail application is disposed of accordingly.

**JUDGE**

**Comparing Assistant**