

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

Criminal Appeal No. 7 of 2025

Chingakham Basanta @ Khambaton, aged about 33 years old,
S/o Ch. Ningthembu Singh of Andro Khuman Nungyungbi
Village, P.O. Yairipok & P.S. Andro, Imphal East District,
Manipur – 795149.

.....Appellant

-Versus-

National Investigation Agency of Home Affairs, Government of
India, New Delhi, represented by the Chief Investigation Officer
(CIO), National Investigation Agency, Branch Office, Imphal,
Manipur, Type VI, Quarter G-1, Lamphel Officer Colony,
Lamphelpat, P.O. & P.S. Lamphel, Imphal West District, Manipur
– 795004.

..... Respondent

BEFORE

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

For the Appellant	::	Ms. N. Savitri, Advocate along with Ms. Y. Jinita, Advocate
For the Respondent	::	Mr. N. Nongdamba, Advocate along with Mr. Lokesh Kumar, Public Prosecutor for NIA led by Mr. Kh. Samarjit, senior advocate and DSGI (Deputy Solicitor General of India);
Date of Hearing	::	31.03.2026
Date of Judgment & Order	::	31.03.2026

JUDGMENT AND ORDER
(ORAL)

(M. Sundar, CJ)

[1] Captioned 'Criminal Appeal' ('Crl.A.' for the sake of brevity) is a statutory appeal under Section 21 of 'the National Investigation Agency Act, 2008 (Act No. 34 of 2008)' ('NIA Act' for the sake of brevity).

[2] This consent order will dispose of captioned Crl.A.

[3] Captioned Crl.A. has been filed by 'Accused No. 1' ('A-1' for the sake of convenience) in Special Trial (NIA) No. 1 of 2023-05-27 in NIA Case No. RC02/2022/NIA-MP on the file of NIA Special Court-I, Manipur. 'This case' shall be referred to as 'said NIA case' and 'the court in which it is pending' shall be referred to as 'said NIA Court', both for the sake of convenience and clarity.

[4] Captioned Crl.A. has been filed by A-1 assailing an order dated 12.03.2025 (order rejecting a bail application) made by said NIA court in Cril. Misc. (B) Case No. 25 of 2025 in said NIA case. This '12.03.2025 order made by said NIA court' shall be referred to as 'impugned order'.

[5] In the hearing today, Ms. N. Savitri, learned counsel on record for the sole appellant (A-1) along with Ms. Y. Jinita, learned Advocate and Mr. N. Nongdamba, learned counsel on record for lone respondent NIA along with Mr. Lokesh Kumar, Public Prosecutor for NIA led by senior advocate and DSGI (Deputy Solicitor General of India) Mr. Kh. Samarjit are before this Court.

[6] To be noted, the impugned order is one that rejects appellant's third bail application. It is also to be noted that Appellant's first and second bail applications were rejected by said NIA court vide orders dated 18.03.2024 and 20.08.2024 respectively.

[7] Captioned statutory Crl.A. was filed before this Court on 08.04.2025.

[8] As regards dates that are most relevant for instant consent order are, the final report (final report under Section 173 of erstwhile Cr.P.C. (Code of Criminal Procedure, 1973) now 'Bharatiya Nagarik Suraksha Sanhita, 2023 (46 of 2023)' ['(BNSS)'] for the sake of brevity and convenience] is dated 08.02.2023, it was taken cognizance of by said NIA court on 09.02.2023 which was even before the rejection of the first bail application (prior to 18.03.2024) and thereafter, charge consideration by said NIA court was on 21.02.2025 which was also prior to rejection of the first bail application but ultimately, charges were framed by said NIA court vide an order dated 01.07.2025 pending captioned Crl.A.

[9] In the light of afore-referred calendrical sequence of events in said NIA court, in the hearing today, learned DSGI raised the point that charges have since been framed by said NIA court and therefore, the appellant (A-1) has to undertake an arduous task of satisfying the court that despite the framing of charges, materials presented along with the charge sheet (report under Section 173 of erstwhile Cr.P.C.) do not make out reasonable grounds for believing that the accusation against him is

prima facie true. It was argued that such an opinion is required to be formed by said NIA court whilst considering the prayer for bail.

[10] In afore-referred scenario, a consensus was arrived at between learned counsel for appellant and learned DSGI (on instructions at respective ends, to be noted learned DSGI was instructed by learned counsel for NIA Mr. N. Nongdamba along with Mr. Lokesh Kumar, Public Prosecutor for NIA who in turn are instructed by Mr. Dev Wrat Pandey, Deputy Superintendent of Police (DSP), NIA who is present in court). The consensus is, the appellant (A-1) will now file a fresh bail application (fourth bail application) within 1 (one) week from today i.e., on or before 07.04.2026 in the said NIA court. NIA will file its objection to the same within another 1 (one) week therefrom i.e., on or before 15.04.2026 (to be noted, 14.04.2026 is a public holiday in Manipur on account of 'Cheiraoba'). This Court vide operative portion of this order infra, would be directing said NIA court to decide the fourth bail application on its own merits and in accordance with law within a fortnight therefrom i.e., on or before 29.04.2026.

[11] In the light of the narrative and consensus arrived at between learned counsel on both sides (on instructions from their respective parties) captioned Crl.A. is disposed of in the following manner :

- i) The impugned order of said NIA court is neither set aside nor sustained as this Court is not embarking upon a legal drill of testing the same on merits;

- ii) The appellant in captioned Crl.A. [(A-1) in said NIA case in said NIA court] will file his fourth bail application in said NIA court (advance copy to be given to learned Public Prosecutor for NIA in said NIA court) within 1 (one) week from today i.e., on or before 07.04.2026;
- iii) Respondent NIA will file objections (advance copy to be given to learned counsel for A-1 in said NIA court) to the afore- referred fourth bail application within 1 (one) week therefrom i.e., on or before 15.04.2026;
- iv) The said NIA court i.e., NIA Special Court-I, Manipur (District and Sessions Judge, Imphal East) is directed to dispose of the fourth bail application within a fortnight from 15.04.2026 i.e., on or before 29.04.2026;
- v) Said NIA court is directed to dispose of afore-referred fourth bail application on its own merits and in accordance with law untrammelled by instant order;
- vi) For the sake of specificity, it is made clear that all points and questions including those that urged/raised in the captioned Crl.A. are left open for both sides;
- vii) Said NIA court is directed to upload the afore-referred order in the bail application in the official

website of the court preferably on the same day but in any event, by the next day i.e., by 30.04.2026;

- viii) Certified copy of the order shall also be made available to both sides forthwith i.e., on 30.04.2026 on any one of the parties or both parties applying for the same;
- ix) Though obvious, it is made clear that it is open to both parties i.e., A-1 and/or NIA to come to this Court by way of a statutory appeal under Section 21 of the NIA Act if aggrieved by or not satisfied with the order made by said NIA court in the aforesaid manner and if such a scenario unfurls, such appeal/s will be considered by this Court untrammelled by instant order.

[12] Captioned Crl.A. is disposed of as closed in the aforesaid manner with afore-referred directions and observations vide instant consent order. There shall be no order as to costs.

JUDGE

CHIEF JUSTICE

FR/NFR

Sushil

P.S. I : Upload forthwith

P.S. II : All concerned will stand bound by web copy uploaded in High Court website inter-alia as the same is QR coded.