

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

CRL. A. No. 6 of 2024

National Investigation Agency, Ministry 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.

... Appellant

- Versus -

Naorem Premkanta Singh & Van Dam, aged about 37 years, S/o Naorem Ibomcha Singh, a resident of Kakching Irum Mapal, P.O. & P.S. Kakching, District Kakching, Manipur.

... Respondent

B E F O R E

**HON'BLE THE CHIEF JUSTICE MR. M. SUNDAR
HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA**

For the appellant : Mr. BR Sharma, CGSC along with
Mr. Qulu, Advocate

For the respondent : Ms. N. Savitri, Advocate along with
Mr. N. Leo, Advocate

Date of hearing & order : **04.05.2026**

O R D E R

[M. Sundar, CJ]

[1] In the captioned appeal, Mr. BR Sharma, learned Central Government Standing Counsel (CGSC) for appellant is before this Court on the Video Conferencing (VC) platform and his colleague Mr. Qulu, learned counsel is before this Court (Physical Court).

[2] On the side of lone respondent, Ms. N. Savitri, learned counsel along with her colleague Mr. N. Leo, learned counsel is before this Court (Physical Court).

[3] Read this in conjunction with and in continuation of earlier proceedings made in the previous listing on 20.04.2026 which reads as follows:

'20.04.2026

Read this in conjunction with and in continuation of earlier proceedings made in the previous listing on 18.02.2026 which reads as follows:

'18.02.2026

[1] Matter mentioned at half past ten.

[2] Ms. Pamchui, learned counsel representing Mr. BR Sharma, State Counsel for appellant NIA and Mr. Leo N., learned counsel on record for the respondent are before this Court.

[3] This Court is informed that the captioned appeal is a statutory appeal under Section 21 of the 'National Investigation Agency Act, 2008 (34 of 2008)' ('NIA Act' for convenience) and that it is directed against a bail order dated 10.08.2023 granted by the trial court.

[4] As adjournment is sought, this Court wanted to know if the respondent has complied with bail conditions and as to whether respondent is regular in

appearing in the hearings before the trial court. Learned counsel representing the State Counsel for NIA very fairly submitted that the respondent has complied with the bail conditions and is regularly appearing in the listings in the trial court in the last 2 ½ (two and half) years.

[5] As both sides request for an adjournment citing personal inconvenience, let the matter stand over to 20.04.2026.

[6] List on 20.04.2026.'

Today, Mr. Thamchuiyo, learned counsel representing Mr. BR Sharma, learned CGSC (Central Government Standing Counsel) for appellant/NIA and Ms. G. Pushpa, learned counsel representing Ms. Savitri, learned counsel on record for lone respondent are before this Court (Physical Court).

Both learned counsel make a joint/common request for adjournment citing inconvenience/difficulties for counsel on both sides.

Afore-referred common/joint request is acceded to.

List under the same cause list caption i.e., 'HEARING' on 04.05.2026.

Owing to 18.02.2026 proceedings (extracted and reproduced supra) more particularly paragraph 4 thereof, let learned counsel for appellant/NIA get suitable instructions regarding giving a closure to captioned appeal.

List on 04.05.2026.'

[4] Adverting to penultimate paragraph of afore-referred 20.04.2026 proceedings, Mr. BR Sharma, learned CGSC in his usual fairness submitted that a closure can be given to captioned appeal as respondent has complied with bail conditions qua impugned order (to be noted, captioned appeal has been filed by NIA assailing an order of Trial Court granting bail to respondent) and respondent has been

appearing before Trial Court regularly in the listings for more than 2 (two) and half years since grant of bail vide impugned order.

[5] Learned State counsel also with utmost fairness brought to our notice that in a similar scenario, closure was given to a NIA statutory appeal under Section 21 of 'National Investigation Agency Act, 2008' ('NIA Act' for the sake of convenience) vide order dated 24.03.2026 in CrI. A. No. 16 of 2025 and a copy of the order is placed before this Court and a scanned reproduction of the same is as follows:

JUDGMENT & ORDER
(ORAL)

[M. Sundar, CJ]

[1] Captioned 'Criminal Appeal' ('CrI. A.' for the sake of brevity) is a statutory appeal under Section 21 of 'National Investigation Agency Act, 2008 (34 of 2008)' [hereinafter referred to as 'NIA Act' for the sake of brevity].

[2] Nucleus of captioned appeal is Special Trial (NIA) Case No. 1 of 2020 on the file of Court of Special Judge (NIA), Manipur, now Special Trial (NIA) Case No. 3 of 2025 on the file of District & Sessions Court, Imphal West. This Court is informed that the District & Sessions Court, Imphal West is a designated Court qua NIA case. This case shall be referred to as 'said NIA case' and the Court concerned shall be referred to 'said NIA Court' both for the sake of brevity, convenience and clarity.

[3] The sole respondent in the captioned appeal is accused No. 7 (A-7) in the said NIA case.

[4] On facts, it will suffice to write that A-7 applied for bail in said NIA Court (obviously in said NIA case) vide Cril. Misc. (B) Case No. 97 of 2023. In and vide order dated 24.11.2023, the said NIA Court after hearing both sides and after full contest granted bail and imposed certain bail conditions. This 24.11.2023 order of said NIA Court granting bail to A-7 shall be referred to as 'impugned order' for the sake of brevity, convenience and clarity. NIA has filed captioned statutory appeal assailing this impugned order. Owing to the trajectory the captioned appeal has been taken today

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in the hearing (about which there will be allusion elsewhere infra in this order) it is not necessary to be detained further by facts. To put it differently, it is not necessary to dilate more on facts.

[5] Mr. BR Sharma, learned 'Central Government Standing Counsel' ('CGSC' for the sake of convenience) and Mr. Th. Jugindro, learned counsel for sole respondent are before this Court.

[6] Captioned main criminal appeal was taken up and heard out with the consent of aforementioned learned CGSC for NIA and learned counsel for respondent.

[7] At the outset, though the learned counsel for appellant has first right of audience, it is imperative to capture the submission of learned counsel for the respondent. Learned counsel for respondent (A-7 in the said NIA Court) submits that the respondent has complied with all bail conditions qua impugned order, he is appearing regularly in the said NIA Court qua said NIA case in all hearings. It is further submitted by learned counsel for respondent that respondent (A-7) is cooperating qua smooth conduct of Trial.

[8] To be noted, the impugned order was made nearly 2 (two) years and 4 (four) months ago (24.11.2023 to be precise). A perusal of E-Court website of said NIA Court brings to light that there have been many listings post impugned order and there is nothing to demonstrate that respondent (A-7) has not appeared in any of the hearings.

[9] Be that as it may, learned NIA counsel i.e. learned CGSC for appellant Mr. BR Sharma very fairly submitted that it is true and correct that respondent (A-7) is cooperating qua smooth conduct of Trial after

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complying with all bail conditions qua impugned order and there would be no difficulty in he remaining enlarged on bail as long as he continues to extend cooperation for the Trial.

[10] This Court is informed by learned counsel on both sides that Trial has since commenced in the said NIA case in said NIA Court, examination of prosecution witness is under way, the case was last listed on 16.03.2026 and it now stands over to 13.04.2026.

[11] In the light of the afore-referred position, i.e. there is no disputation or contestation and further fair submission of learned CGSC for NIA i.e. learned CGSC for appellant that the bail order (impugned order) can continue and makes a further request that all questions raised by NIA in the captioned CrI. A. left open for being canvassed in another matter if need arises. Learned counsel for NIA submits that A-7 (respondent) can remain enlarged on bail but requests that it may be made clear that it would be open to NIA to seek cancellation of bail qua respondent (A-7) if the need arises/if there are change of circumstances.

[12] The above scenario makes legal drill at hand fairly simple.

[13] The sequitur is, captioned appeal is disposed of as closed vide instant consent order, refraining from legal drill of testing the impugned order. To put it differently, the impugned order i.e. order 24.11.2023 made in Criminal Misc. (B) Case No. 97 of 2023 on the file of Court of Special Judge (NIA), Manipur is confirmed by consent {without testing it on merits} albeit (a) leaving open all questions raised by NIA in the captioned criminal appeal for being canvassed in another matter if need arises; (b) leaving open the right of NIA to seek cancellation of bail vide impugned order if the

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need arises/if there is change of circumstances and (c) making it clear that the said NIA Court shall now proceed with Trial in Special Trial (NIA) Case No. 3 of 2025 on its own merits in accordance with law untrammelled by instant consent order.

[14] Captioned criminal appeal is disposed of as closed in the aforesaid manner affirming the impugned bail order, vide instant consent order. There shall be no order as to costs.

[6] Responding to the above, Ms. N. Savitri, learned counsel for lone respondent fairly submitted that a closure can be given to captioned appeal preserving rights of appellant (NIA) as set out in paragraph No. 13 of the afore-referred earlier order dated 24.03.2026 in Crl. A. No. 16 of 2025.

[7] In the light of the narrative thus far and very fair approach taken by learned counsel on both sides, with the consent of learned counsel on both sides, this Court deems it appropriate to give a closure to the captioned criminal appeal without embarking upon the legal drill of testing the impugned order on merits albeit preserving all the rights and contentions of the appellant (NIA) as set out in paragraph No. 13 of the afore-referred earlier order dated 24.03.2026 in Crl. A. No. 16 of 2025. In this regard, this Court deems it appropriate to add that if a scenario of cancelation of bail or any other scenario envisaged in paragraph No. 13 or akin to same unfurls, all the rights and contentions of sole respondent also will stand preserved and this will include all contentions of sole respondent in the captioned

appeal. To put it differently, if the scenario envisaged in paragraph No. 13 of earlier order or any other scenario akin to same unfurls, the Trial Court shall deal with the same on its own merits and in accordance with law untrammelled by instant order and rival contentions in the captioned appeal.

[8] Captioned appeal is disposed of/closed in the aforesaid manner affirming the impugned bail order being order dated 10.08.2023 in Cril. Misc. (B) Case No. 83 of 2023 on the file of Special Judge (NIA), Manipur albeit with preservation of rights, liberties qua both sides and observations as set out supra. There shall be no order as to costs.

JUDGE

CHIEF JUSTICE

FR/NFR

Bipin