

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (DB) No.494 of 2019

Arising Out of PS. Case No.-15 Year-2015 Thana- C.B.I CASE District- Patna

Asikul Islam Son of Ejabul Sekh Resident of Dubri More Joyenpur, P.S.-
Baishnab Nagar, District-Maldah (West Bengal).

... .. Appellant/s

Versus

The Union Of India (N.I.A) at Delhi

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Satyendra Narayan Verma, Advocate Mr. Surendra Prasad Singh, Advocate
For N.I.A.	:	Mr. Manoj Kumar Singh, Spl. P.P. NIA Mr. Akhileswar Prasad Singh, Sr. Advocate
For the Respondent/s	:	Mr. S.D Sanjay (A.S.G.)

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

and

HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH

ORAL JUDGMENT

**(Per: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA)**

Date : 26-07-2019

Heard learned counsel appearing for appellant and
learned counsel appearing for National Investigation Agency
(N.I.A).

2. This appeal has been preferred under Section 21(4)
of National Investigation Agency Act, 2008 against the order
dated 21.02.2019 passed by Special Judge N.I.A. in Special
Case No. 02/2018 arising out of R.C. 15/2015 by which he
refused to release the appellant on bail on the ground that
section 306(4)(b) of the Code of Criminal Procedure puts bar in



releasing the appellant.

3. Learned counsel appearing for appellant submits that the appellant became an approver and his statement has already been recorded. It is further submitted by him that in similar facts and circumstances co-accused Sanjay Kumar @ Sanjay Sah @ Sanjay Barnwal has already been granted bail by a co-ordinate Bench of this court vide order dated 06.09.2017 passed in Cr. App. (DB) No. 563 of 2017.

Learned counsel for the appellant referred several decisions such as, 1985(1) Crimes 99, Bangaru Laxman vs. State through C.B.I & Anr. Decided on 13.12.2011 in CRL.M.C. 1906/2011.

Learned counsel for the appellant submits that in almost all the above stated decisions, it has been held that Section 306 of the Code of Criminal Procedure describes a procedure and the aforesaid section does not fasten the hands of court in grant of bail to an approver.

4. Learned counsel appearing for N.I.A. supported the above stated contentions and submitted that N.I.A. has no objection if the appellant is granted bail by this court, as the appellant has helped the Investigating Agency in course of investigation as well as in trial. The aforesaid fact has also been



averred by N.I.A. in its counter affidavit.

5. Considering the aforesaid facts and circumstances as well as submissions of the parties, let the appellant be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge N.I.A, Patna in connection with Special Case No. 02/2018 arising out of R.C. 15/2015, subject to the condition that one of the bailors must be close relative of the appellant who shall swear affidavit to this effect as to how he/she is related with the appellant.

6. In the aforesaid manner, this criminal appeal stands disposed of.

(Hemant Kumar Srivastava, J)

(Prabhat Kumar Singh, J)

vinita/-

AFR/NAFR	AFR
CAV DATE	NA
Uploading Date	31.07.2019
Transmission Date	31.07.2019

