

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (DB) No.367 of 2018

Arising Out of PS. Case No.-1 Year-2013 Thana- NIA District- Patna

Arjun Jee @ Mani Yadav @ Rajbir Singh @ Suraj, son of Bharat Yadav,
Resident of village-Salempur, P.S. Karauna, District-Jehanabad.

... .. Appellant

Versus

1. The Union Of India,
2. N.I.A. Ministry of Home Affairs, New Delhi.

... .. Respondents

Appearance :

For the Appellant/s : None
For the N.I.A. : Mr. Manoj Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
and
HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA)

4 01-04-2019 No one appears on behalf of the appellant on repeated calls. Learned counsel of the N.I.A. Sri Manoj Kumar Singh, Advocate, appears and points out that this appeal is not maintainable in view of Section 21 of National Investigation Agency Act, 2008.

2. The office has pointed out three defects including the question of maintainability of this criminal appeal.

3. Admittedly, the present appeal has been preferred on 02.04.2018 against the order dated 16.05.2016 passed by the learned Special Judge, N.I.A. Patna in Special Case No. 4 of 2013, by which and whereunder, he refused to



release the appellant on bail.

4. Sub-Section (4) of Section 21 of National Investigation Agency Act, 2008 says that an appeal shall lie to the High Court against an order of the Special Court granting or refusing bail. The present appeal has been preferred in view of sub-section (4) of Section 21 of National Investigation Agency Act, 2008. However, sub-section (5) of Section 21 of National Investigation Agency Act, 2008 prescribes thirty days time to prefer an appeal against the Judgment/Order passed by Special Judge, N.I.A. Furthermore, the proviso of sub-section (5) of Section 21 of National Investigation Agency Act, 2008 goes to show that the Court may entertain an appeal even after the expiry of period of thirty days, if Court comes to the conclusion that the appellant had sufficient cause for not-preferring the appeal within the above stated period of thirty days. However, the subsequent proviso of sub-section (5) of Section 21 of the National Investigation Agency Act, 2008 says that no appeal shall be entertained after the expiry of period of ninety days. Therefore, subsequent proviso of sub-clause (5) of Section 21 of National Investigation Agency Act, 2008 makes it clear that in no circumstance, the Court can extend the period of ninety days for filing appeal under Section 21 of National Investigation



Agency Act, 2008. Admittedly, the present appeal has been preferred beyond the period of ninety days from the date of passing of impugned order and, therefore, we are of the view that the present appeal is not maintainable being time barred.

5. Accordingly, the present appeal stands dismissed being time barred.

(Hemant Kumar Srivastava, J)

(Rajendra Kumar Mishra, J)

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