

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (DB) No.1201 of 2019

In
CRIMINAL MISCELLANEOUS No.32780 of 2019

Arising Out of PS. Case No.-14 Year-2018 Thana- NIA District- Patna

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Dilip Ram @ Dilip Kumar Son of Parikshan Ram Resident of Village -
Harpurgos, P.S.- Saraiya, Distt - Muzaffarpur.

... .. Appellant/s

Versus

1. The State Of Bihar.
2. The Union of India through the Ministry of Home Affairs New Delhi.

... .. Respondent/s

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Appearance :

For the Appellant/s :

For the UoI : Mr. Manoj Kumar Singh, Spl. P.P. NIA

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
and
HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH)

5 17-02-2020 Despite repeated calls, nobody appears on behalf of
the appellant.

Perused the memo of appeal.

Heard Mr. Manoj Kumar Singh, learned Spl. P.P.
N.I.A.

This appeal has been filed by the appellant against the
order dated 20.06.2018 passed by the learned Special Judge,
National Investigation Agency, Patna in Special Case No. 3 of
2018 arising out of R.C. No. 14 of 2018 whereby the prayer for
bail of the appellant has been rejected.



The appellant has been made accused in a case registered under Sections 25(1-B)(a), 25(1A), 25(1AA), 25(1AAA), 26 (2) & 35 of the Arms Act, Sections 3 and 4 of the Explosive Substance Act and Sections 16, 17, 18, 20, 22 and 23 of the Unlawful Activities (Prevention) Act, 1967.

The impugned order is dated 20.06.2018 whereas the appeal has been filed on 16.05.2019 even without any application for condoning the delay.

It would be pertinent to note here that notwithstanding anything contained in the Code of Criminal Procedure, 1973, an appeal would lie from any judgment, sentence or order, not being an interlocutory order, of a Special Court or an Exclusive Special Court, to the High Court both on facts and on law in view of sub-clause (1) of Section 21 of the National Investigation Agency Act, 2008.

Sub-clause (4) of Section 21 of the aforesaid Act provides that notwithstanding anything contained in sub-section (3) of section 378 of the Cr.P.C., an appeal shall lie to the High Court against an order of the Special Court granting or refusing bail.

Sub-clause (5) of Section 21 of the aforesaid Act provides that 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.

Proviso 1 to the sub-clause (5) of Section 21 provides 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.

Proviso 2 to the sub-clause (5) of Section 21 provides further that no appeal shall be entertained after the expiry of period of ninety days.

In the instant case, the appeal has been filed after an inordinate delay and beyond the period of ninety days as mandated under Section 21(5) of the National Investigation Agency Act, 2008 and there is no application on behalf of the appellant for condoning the delay caused in filing the appeal.

In our opinion, the appeal is not maintainable. It is dismissed, accordingly.

(Ashwani Kumar Singh, J)

(Arvind Srivastava, J)

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