

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (DB) No.633 of 2021

Arising Out of PS. Case No.-31 Year-2018 Thana- NIA District- Patna

Rajiv Ranjan Singh @ Chunnu Singh @ Rajiv Kumar, Son of Mithilesh Prasad Singh, Permanently resident of Village- Tetar, P.S.- Atri, District- Gaya, Bihar, presently at Flat No.202, Gharana Apartment, P.S.- Rampur, District- Gaya, Bihar. Appellant

Versus

1. The State of Bihar
2. The Union of India through the Director General, N.I.A., C.G.O. Complex, Lodhi Road, New Delhi.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ajay Kumar Thakur, Advocate Mr. Avinash Kumar Singh, Advocate
For the NIA	:	Mr. Dr. K. N. Singh, ASG Mr. Shivaditya Dhari Sinha, (AC to ASG) Mr. Arvind Kumar, Spl PP.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
and
HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

24 01-03-2024 Heard Mr. Ajay Kumar Thakur, learned counsel for the appellant and Dr. K. N. Singh, learned ASG assisted by Mr. Arvind Kumar, learned Advocate for the National Investigation Agency.

2. This appeal has been preferred under Section 21 of the National Investigation Agency Act (in short 'NIA Act') for setting aside the order dated 19.08.2021 passed by the learned Special Judge, NIA, Patna in connection with Special Case No. 03 of 2021 arising out of R.C. No. 31 of 2018 (CIS No. 03 of 2021) registered for the offences punishable under Sections 121, 379,



414, 120B and 34 of the Indian Penal Code, Sections 25(1A), 25(1AA), 25(1B)(a), 26 and 35 of the Arms Act and Section 39 of the Unlawful Activities (Prevention) Act.

3. As per the prosecution story, the informant, who happens to be SHO/OIC of NIA P.S. New Delhi, received information regarding registration of FIR No. 323 of 2018 dated 07.09.2018 at P.S. Mufassil, Dist- Munger, Bihar registered under different Sections of IPC, Arms Act and UA(P) Act, relating to recovery of three AK-47 weapons and arrest of two persons who were involved in supply of AK-47 weapons to Maoists and other criminals in various states from Army Armoury, Jabalpur, Bhopal. On such information, the Ministry of Home Affairs directed National Investigation Agency (in short 'NIA') to take up investigation of aforesaid case and accordingly, the said Munger Mufassil P.S. Case No. 323 of 2018 was registered by NIA as R.C. No. 31 of 2018.

4. Learned counsel for the appellant submits at the outset that in this case Munger Mufassil P.S. Case No. 323 of 2018 dated 07.09.2018 was registered on the basis of information furnished by one Bindeshwari Yadav, Inspector of Police Mufassil Anchal, District- Munger, Bihar, but with the copy of the formal FIR, the copy of the fardbeyan/information furnished by the informant is not available on the record.



5. It is submitted that the investigation of this case was transferred to the NIA by an order of the Government of India as contained in the Memo No. F. No. 11011/65/2018/NIA dated 04.10.2018.

6. Learned counsel submits that after investigation, NIA has submitted a chargesheet but on bare perusal of the same, it would appear that the information furnished against the appellant in the chargesheet is not substantiated from the relevant records. Paragraphs '17.5', '17.16' and '17.19' have been specifically referred to from the chargesheet.

7. Learned counsel submits that in paragraph '17.16', it is stated that during course of investigation, search was carried out at the residential premises of the accused-appellant and from there, '13' numbers of live cartridges of '30.06' mm and other ammunition were found but that is not correct. Learned counsel has placed before this Court a copy of the search/seizure Form D-331 and D-312. It is submitted that Form No. D-331 pertains to the search of the residential premises of the appellant and it may be found from the said Form that no arms or ammunition was found in the premises of the appellant.

8. Learned counsel submits that the chargesheet refers to statement of some protracted witnesses but the fact is that the statements of those protracted witnesses have not been made



available to the appellant under Section 207 Cr.P.C.

9. It is further submitted that considering the long list of prosecution witnesses, the trial is not likely to be concluded in near future. The appellant has remained in incarceration since 08.12.2020 and considering the huge time likely to be taken in conclusion of the trial, the appellant deserves privilege of bail on such terms and conditions as this Court may deem just and proper.

10. Dr. K. N. Singh, learned ASG submits that the allegations against the appellant are serious and considering the severity of the punishment attached to the offence alleged against the appellant and the materials which have been noticed in the chargesheet by the NIA, the appellant does not deserve privilege of bail.

11. It is submitted that it has come in course of investigation that the appellant was connected to chargesheeted accused Manzar Alam (A-'17') who has accepted in course of investigation that he had supplied AK-47 rifles to this appellant.

12. Learned ASG submits that the NIA has already tuned the number of witnesses who are to be examined in this case and it has been brought down to about '98' witnesses. Presently, '17' witnesses have already been examined. It is submitted that due to huge work pressure on the NIA court, the trial is not being possible on day to day basis. It is, however, submitted that the



NIA is making all endeavor to ensure that the witnesses duly attend the trial on the date fixed in the matter.

13. Learned ASG submits that the NIA shall ensure presence of at least 7-8 witnesses every month in course of trial and, this way, the trial may be concluded within a period of one year if the accused persons cooperate.

14. Having regard to the submissions noted hereinabove and the materials discussed in the chargesheet and further considering that the trial has already begun and '17' witnesses have been examined, the seriousness of the offence alleged and the severity of the punishment as also likelihood of the conclusion of the trial within one year, this Court is not inclined to interfere with the impugned order.

15. The prayer is refused.

16. The appeal is dismissed.

17. The NIA shall ensure presence of the witnesses as stated in this case every month so that the trial be concluded within the expected period of one year.

(Rajeev Ranjan Prasad, J)

(Shailendra Singh, J)

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