

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (DB) No.366 of 2026

Arising Out of PS. Case No.-31 Year-2022 Thana- NIA District- Patna

Shamim Akhtar Son of Md. Wasimuddin Ahmed Resident of village-
Khasganj, PS- Sohsarai, Biharsharif, District -Nalanda

... .. Appellant/s

Versus

1. The Union of India through National Investigation Agency, Delhi
2. The Union of India through National Investigation Agency, Patna
3. Sh. Vipin Kumar, Investigating Officer, Deputy Superintendent of Police,
NIA, Branch officer, Lucknow

... .. Respondent/s

Appearance :

For the Appellant/s : Ms. Preeti Pundir, Advocate
For the Respondent/s : Mr. Arvind Kumar, Spl. PP, NIA

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
and
HONOURABLE MR. JUSTICE KUMAR MANISH
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

3 08-07-2026 Heard learned counsel for the appellant and learned
Spl. PP for the N.I.A.

2. Challenge in the present appeal is to the order dated
17.02.2026 passed by the learned Special Judge, NIA, Bihar,
Patna in Special Case No. 06/2025, arising out of R.C. No. /31 /
2022 / NIA/DLI. For better appreciation of the entire matter, it
seems just and proper to extract the entire order dated
17.02.2026 hereunder:-

“1. Heard on the petition dated 12.02.2026
of under trial prisoner Shamim Akhtar. The
said petition has purportedly been filed



within the purview of Section 187(3) of BNSS. Reply of NIA is on record.

2. This is a matter of record that vide Order dated 22.01.2026, the custody period of accused Shamim Akhtar has already been extended up to 180 days and whereas the accused is in custody since 30.10.2025. This is also the matter of the record that prior to such extension, there was nothing on record so as to show the willingness of the accused to furnish the bail-bond.

3. In view of the aforesaid circumstances, the prayer of the petition under consideration is hereby rejected as not maintainable.”

3. On a bare perusal of the impugned order, it appears that in paragraph '2', the learned Special Judge, NIA has categorically recorded that vide order dated 22.01.2026, the custody period of the accused has already been extended up to 180 days and that the accused is in custody since 30.10.2025.

4. We called upon learned counsel for the appellant to demonstrate from the pleading available on the record that this part of the statement made in paragraph '2' of the impugned order has been controverted.

5. Learned counsel for the appellant submits that there is no such pleading in the memorandum of appeal. It is not the



case of the appellant that there is no order dated 22.01.2026. It is also not the case of the appellant that the custody period of the accused has not been extended up to 180 days. At least there is no pleading to this effect.

6. In such circumstance, we find no reason to interfere with the impugned order.

7. This appeal is devoid of merit. It is dismissed accordingly.

(Rajeev Ranjan Prasad, J)

(Kumar Manish, J)

Ranjeet/-

U		T	
---	--	---	--

