Item No. 77

IN THE HIGH COURT OF MANIPUR
AT IMPHAL

Bail Appln. No. 19 of 2026

Maimom Mahesh Singh *…..Petitioner/s*

-Versus-

Officer-in-Charge, Women Police Station, Imphal West

….Respondent/s

BEFORE
HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA

Order

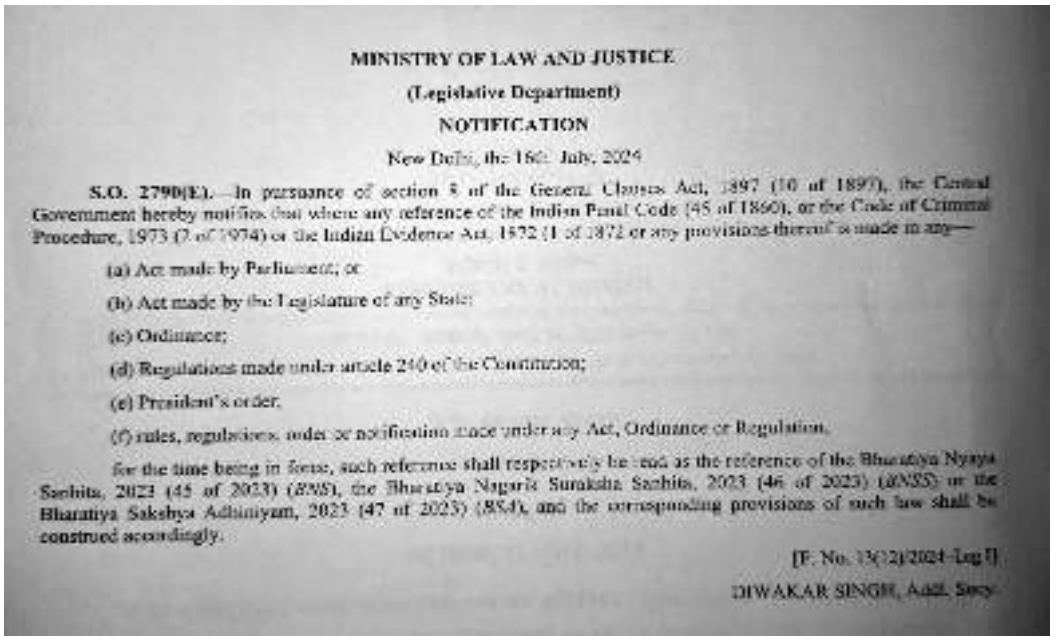
04.11.2026

[1] Present Mr. M. Ibohal, learned counsel for the petitioner and Mr. S. Chittaranjan, learned Addl. A.G. -cum- special PP along with Mr. A. Priyokumar Sharma, learned counsel for the State respondent.

[2] The petitioner was arrested on 04.06.2026 and was sent in judicial custody from 08.06.2026. On 27.10.2026, learned counsel for the petitioner stated that the petitioner has been in judicial custody for a period of 141 days and after excluding 45 days on interim bail, he has in judicial custody for 96 days. On 27.10.2026, this Court gave some time to the State respondent to confirm whether charge sheet was submitted to the concerned Court prior to any date than 27.10.2026. It may be noted that as per the decision of the Hon'ble Supreme Court in the case of **Rakesh Kumar Paul vs. State of Assam** reported as **(2017) 15 SCC 67** also reiterated recently by the Hon'ble Supreme Court in the case of **Shaurya Sunil Kumar Singh vs. CBI: (2026) INSC 666** that the oral submission is valid for releasing under trial prisoner for releasing on

default bail. In the circumstances, the oral submission made by Mr. M. Ibohal, learned counsel for the petitioner on 27.10.2026 for releasing on bail is taken an application for releasing the petitioner on default bail.

[3] When the matter is taken up today, Mr. S. Chittaranjan, learned special PP, submits that charge sheet has already been forwarded but the same has not been filed to the Court till date. However, learned Addl. A.G. refers to a notification dated 16.07.2024 issued by Ministry of Law and Justice, Government of India stating that anything mentioned as Cr.P.C., IPC and Evidence Act, Rule or Regulation or Ordinance, Notification, etc., the same to be construed as referring to the respective provisions of BNSS, BNS & BSA. It is pointed out that by the same notification reading with Section 167 of Cr.PC and Manipur Amendment Act, 3 of 1983, the statutory period for an offence for punishment beyond 10 years is 180 days and not 90 days as contemplated in Section 187 of BNSS and before considering releasing of the petitioner on default bail, this issue may be considered by this Court. The notification dated 16.07.2024 is reproduced as:



MINISTRY OF LAW AND JUSTICE

(Legislative Department)

NOTIFICATION

New Delhi, the 16th July, 2024

S.O. 2790(E).—In pursuance of section 8 of the General Clauses Act, 1897 (10 of 1897), the Central Government hereby notifies that where any reference of the Indian Penal Code (45 of 1860), or the Code of Criminal Procedure, 1973 (2 of 1974) or the Indian Evidence Act, 1872 (1 of 1872) or any provisions thereof is made in any—

(a) Act made by Parliament; or

(b) Act made by the Legislature of any State;

(c) Ordinance;

(d) Regulations made under article 240 of the Constitution;

(e) President's order;

(f) rules, regulations, order or notification made under any Act, Ordinance or Regulation,

for the time being in force, such references shall respectively be read as the reference of the Bharatiya Nyaya Sanhita, 2023 (45 of 2023) (*BNS*), the Bharatiya Nagarik Suraksha Sanhita, 2023 (46 of 2023) (*BNSS*) or the Bharatiya Sakshya Adhiniyam, 2023 (47 of 2023) (*BSA*), and the corresponding provisions of such law shall be construed accordingly.

[F. No. 13(2)/2024-Leg-I]

DIWAKAR SINGH, Addl. Secy.

[5] On the other hand, Mr. M. Ibohal, learned counsel for the petitioner, submits that Section 531 of BNSS provides for saving an impugned laws and the whole of Cr.PC 1973 has been repealed except for those saved sub-clause 2 of Section 531 of BNSS and the present petition arises out of FIR dated 03.06.2026 and the invocation of Section 167 of Cr.PC with Manipur Amendment of 1983 is not proper.

[6] In the circumstances, list this case on 21.11.2026 as to examine whether notification dated 16.07.2024 issued by Ministry of Law and Justice, Government of India extends the provisions of Section 167 of Cr.PC, Manipur Amendment of 1983 for extending the statutory period from 60 and 90 days to 120 days and 180 days or not.

JUDGE

Kh. Joshua Maring

KH. JOSHUA MARING

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