GAHC010202472026

2026:GAU-AS:15672

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Bail Appln./2850/2026

SRI BIJOY BARUAH
S/O- SRI BHADRA KANTA BARUAH R/O- VILL- PANGIRIA GAON, P.O.- KONWARI PUKHURI, P.S.- JORHAT, DISTRICT- JORHAT, ASSAM, PIN-785008

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. D BORAH, MR. R DOWARAH

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

Date : 14-10-2026

1. Heard Mr. D. Borah, the learned counsel appearing for the accused-applicant. Also heard Mr. K.K. Parasar, the learned Addl. P.P, Assam appearing for the State.

2. This is an application filed under Section 483 of the BNSS, 2023,

praying for granting bail to the accused-applicant, namely **Bijoy Baruah** in connection **Jorhat P.S. Case No.134/2026,** registered under Sections **113(2)(b)/113(3)/113(4)/152/196/197(i)/62(2)** of BNS, 2023 read with Sections **10/13/16/17/18/18(A)/ 18(B)/20/38/39/40** of the U.A. (P) Act (corresponding to **G.R. Case No.211/2026**).

3. At the very outset, the learned Addl. P.P. has raised objection about the maintainability of the instant bail application. He submits that the bail application filed by the accused-applicant being Petition No.1637/2026 dated 28.07.2026 before the Court of the learned Sessions Judge-cum- I/C, Special Judge, NIA, Jorhat has been rejected. He submits that in terms of Section 21(4) of the NIA Act, 2008, any order rejecting a prayer of bail by the Special Court is appealable order which will lie before the High Court. He submits that in view of the aforesaid statutory provision, a fresh bail application before the High Court shall not be maintainable. In support of his submission, the learned Addl. P.P. has relied on the case of ***Mamunur Rashid Vs. The State of Assam (Bail Appln. 1727/2025)***, decided by the Gauhati High Court on 05.12.2025, wherein this Court has held that for any scheduled offence of NIA Act, 2008, even if the investigation is conducted by the State Investigating Agencies, the Special Court, under the said Act, has the exclusive jurisdiction to try such cases and under the statutory provisions contained in the said Act, any order of rejection of bail in such cases by the Special Court is appealable under Section 21(4) of the NIA Act, 2008 and as such, an application for bail under Section 483 is not maintainable. In view of the aforesaid ruling by a coordinate Bench of this Court, taking into account the provisions under Section 21(4) of the NIA Act, 2008, the instant bail application is also not maintainable. Therefore, he

prays for rejection of the bail application at the very outset on the ground of maintainability.

4. Taking into account the aforesaid submissions and the provisions relating to appeals under Section 21(4) of the NIA Act, 2008, in the event of rejection of bail by a Special Court, this Court is of the considered view that the instant bail application is also not maintainable.

5. Accordingly, the instant bail application is dismissed.

JUDGE

Comparing Assistant