

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL APPELLATE JURISDICTION**

APPELLATE SIDE

CRA (DB) 433 of 2025

MONIUR RAHAMAN

VS.

NATIONAL INVESTIGATION AGENCY

**Before: The Hon'ble Justice Arijit Banerjee
&
The Hon'ble Justice Apurba Sinha Ray**

For the Appellant	: Mr. Milon Mukherjee, Sr. Adv. Mr. Md. Ashraf Ali, Adv.
For the NIA	: Mr. Arun Kumar Maiti (Mohanty), Spl PP, Mr. Bhaskar Prosad Banerjee, Spl. PP. Mr. Debayan Sen, Spl PP. Mr. Debashish Tandon, PP Ms. Deebea Nomani, PP
For Orders on	: 10.06.2026

Apurba Sinha Ray, J.

1. The brief facts of this case are that on 23.02.2022 at about 20.35 hours S.I. Yogendranath Upadhyay at Chandrapur Bazar, Amta P.S. received information that 3 to 4 persons were making bombs at a place near Chandrapur Bazar with an intention to commit heinous crime and at the

time of processing, one bomb exploded causing serious injuries to several persons including the persons who were preparing such bombs. On the written complaint submitted by S.I. Upadhyay, an FIR was drawn under Sections 120(B), 286, 308, 326 and 304 of IPC and Sections 3, 4 and 5 of Explosive Substances Act against unknown miscreants. During investigation the local police arrested two accused persons on 06.06.2022 from Chhatra, P.S. Amta, District Howrah and they were Jahadar Mollah @ Jahadhar Mollah and Mahabbat Mollah. In the course of investigation, the role of the present applicant Moniur Rahaman transpired and State police made serious attempts to arrest him but in vain. On 15.06.2022, a warrant of arrest was issued against him by the learned Additional Chief Judicial Magistrate at Uluberia. Subsequently, it transpired that one injured person namely Sk. Moharam succumbed to his injuries and his father filed a writ petition before this Court praying for transferring the investigation to National Investigating Authority (NIA) and thereafter this Court directed NIA to take up the investigation. Accordingly, on 13.06.2024, NIA re-registered the FIR. Mr. Maity, learned senior counsel representing NIA submitted that the present appellant Moniur Rahaman surrendered before the learned ACJM, Uluberia on **02.07.2024** and thereafter on **02.09.2024** the appellant was produced before the learned NIA Special Court and the learned Special Court allowed three days police custody but during interrogation the appellant remained tight lipped and did not cooperate. During investigation, NIA examined 22 independent witnesses and their statements under Section 161 Cr.P.C. and also under Section 164 Cr.P.C. were recorded. They have identified the appellant as

one of the close associates of the main conspirator and the appellant was also injured due to such blast of bombs. The medical / injury report of the appellant also disclosed that he had sustained blast injury. Therefore, there are sufficient materials against the present appellant and if the appellant is enlarged on bail, the ongoing investigation would suffer a lot and further the appellant may intimidate or influence protected witnesses.

2. Mr. Mukherjee, learned senior counsel appearing for the appellant submitted that although the appellant had no involvement with the alleged blast of bombs on the relevant date and time, the appellant has been kept in custody for almost two years. The State police had already filed chargesheet against the present appellant and thereafter the NIA had sufficient time to conclude its investigation but failed to do so inspite of its undertaking/ submission before a Co-ordinate Bench to conclude the investigation within three months. The Co-ordinate Bench by its order dated 13.08.2025 passed in CRA (DB) 226 of 2025 recorded the submission on behalf of the Special Public Prosecutor, NIA but till date the investigation has not been completed, and the appellant has been kept in prolonged incarceration, and there is no chance of concluding the investigation in the near future. The action of the NIA clearly violates the fundamental right of speedy trial as enshrined in Article 21 of the Constitution and therefore, the appellant should be enlarged on bail on any condition.

3. Mr. Mukherjee submitted judicial decisions in support of his contentions, namely, **Syed Iftikhar Andrabi VS. NIA, Jammu, reported in 2026 INSC 503** and **Gulfisha Fatima vs. State (Govt. of NCT of Delhi) reported in 2026 INSC 2**.
4. Mr. Maiti, learned Senior Counsel of NIA, submitted that considering the gravity of the offence and also the fact that the appellant himself sustained injury on his person during preparation of the bombs, he should not be enlarged on bail. In support of his contention Mr. Maiti referred to the decision in **Prahlad Singh Bhati Vs. N.C.T Delhi** reported in **(2001) 4 SCC 280**.
5. We have considered the submissions of learned counsel of the parties and have also considered the relevant judicial decisions submitted from both sides. It is found that although the appellant was taken into custody by NIA on 02.09.2024, till date the NIA has failed to submit chargesheet against the appellant. It is further found that by an order dated 13.08.2025 a Co-ordinate Bench recorded the submission of the learned Special PP of NIA to the effect that the NIA will take another three months time to submit the chargesheet but unfortunately inspite of such submissions NIA has failed to complete the investigation till date. We have considered the aforesaid judgments. Nowhere it has been stated that the investigating agency can keep the accused in custody for an

indefinite period. No law can authorize such indefinite detention of an accused against the constitutional ethos. It is needless to mention that Article 21 of the Constitution is an important consideration so far as the custodial detention of an accused is concerned. The NIA has failed to show as to why such detention is required and whether NIA can pray for rejection of bail only on the ground that investigation is not complete even after one year six months. It is further found that on 13.08.2025 the NIA had submitted that it would complete the investigation within three months but it appears that the investigation is still pending.

6. It is also correct to say that particulars of the protected witnesses are not available to the appellant and, therefore, we do not find any reason to prolong further detention of the appellant. Accordingly, the prayer for bail stands allowed but on stringent conditions.
7. The accused Moniur Rahaman may find bail of Rs.50,000/- with two sureties of Rs.25,000/- each out of which one must be local, subject to the satisfaction of the Chief Judge, City Sessions Court, Calcutta and also on conditions that i) the appellant shall remain within the jurisdiction of New Town Police Station and shall report to the I.C., New Town Police Station once in a week and shall not leave the jurisdiction of New Town Police Station excepting for the purpose of attending court proceedings. (ii) He shall be allowed to use two mobile phone numbers upon prior intimation to the NIA and also on condition that NIA shall be entitled keep a vigil on the appellant and such authority will be at liberty

to monitor the phone calls of the appellant. (iii) It is further conditioned that apart from close relatives, doctors, learned advocates, no other person will be allowed to meet the appellant until further order. (iv) He shall not intimidate, influence any of the witnesses, directly or indirectly.

8. All the observations made above are tentative in nature and they will have no bearing on the final trial. If the appellant violates any of the conditions the bail granted to him hereby, shall stand cancelled without any further reference to this Court.

9. CRA (DB) 433 of 2025 stands disposed of accordingly.

10. Urgent photostat certified copies of this Order, if applied for, be supplied to the parties on compliance of all necessary formalities.

I Agree.

(APURBA SINHA RAY, J.)

(ARIJIT BANERJEE, J.)