Neutral Citation
2026:JHHC:33303-DB

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Criminal Appeal (DB) No. 239 of 2026

Gulfam Hasan, S/o Faiyaz Hussain, R/o Alinagar, P.O.- Naya Bazar, P.S.- Bank More, Dist.- Dhanbad.

... Appellant

Versus

The State of Jharkhand **... Respondent**

With

Criminal Appeal (DB)(Filing) No. 26625 of 2025

Shahzad Alam @ Sahzad, S/o Md. Minahz Ahmed, R/o Amans Society, Gate No. 4, P.O.- Bhuli, P.S.- Bhuli, Dist.- Dhanbad. **... Appellant**

Versus

The State of Jharkhand through ATS Ranchi

... Respondent

With

Criminal Appeal (DB) No. 89 of 2026

Shabnam Parween, W/o Ayan Javed, R/o H. No. 134, Naya Bazar, Gaddi Mohalla, P.O.- Naya Bazar, P.S.- Bank More, Dist.- Dhanbad. **... Appellant**

Versus

The State of Jharkhand **... Respondent**

With

Criminal Appeal (DB) No. 1416 of 2026

Mohammad Ammar Yasar @ Amar Yasar, S/o Mohammad Firoz Khan, R/o Shamsher Nagar, Near Imambada Pandarpala, Bishnupur, P.O.- B Polytechnic, P.S.- Bhuli, Dist.- Dhanbad. **... Appellant**

Versus

The State of Jharkhand through ATS

... Respondent

With

Criminal Appeal (DB) No. 1417 of 2026

Ayan Jawed, S/o Md Javed Alam, R/o Gaddi Mohalla, Naya Bazar, P.O.- Naya Bazar, P.S.- Bank More, Dist.- Dhanbad.

... Appellant

Versus

The State of Jharkhand through ATS

... Respondent

With

Criminal Appeal (DB)(Filing) No. 6842 of 2026

Shabnam Parween, W/o Ayan Jawed, R/o House No. 134, Naya Bazar, Gaddi Mohalla, P.O.- Naya Bazar, P.S.- Bank More, Dist.- Dhanbad. **... Appellant**

Versus

State of Jharkhand through ATS Ranchi

... Respondent

With

Criminal Appeal (DB)(Filing) No. 8697 of 2026

Shahzad Alam, S/o Md. Minahz Ahmed, R/o Amar Society, Gate No. 4, Azad Nagar, P.O.- Bhuli, P.S.- Bhuli, Dist.- Dhanbad. **... Appellant**

Versus

The State of Jharkhand through ATS Ranchi

... Respondent

With

Criminal Appeal (DB)(Filing) No. 9138 of 2026

Ayan Javed, R/o House No.- 134, Naya Bazar, Gaddi Mohalla, P.O.- Naya Bazar, P.S.- Bank More, Dist.- Dhanbad. **... Appellant**

Versus

The State of Jharkhand through ATS Ranchi

... Respondent

With

Criminal Appeal (DB)(Filing) No. 12831 of 2026

Gulfam Hassan, S/o Faiyaz Hussain, R/o Alinagar, P.O.- Naya Bazar, P.S.- Bank More, Dist.- Dhanbad.

... Appellant

Versus

State of Jharkhand through ATS Ranchi

... Respondent

With

Criminal Appeal (DB)(Filing) No. 24693 of 2026

Mohammad Ammar Yasar @ Amar Yasar @ Ammar Yasar @ Samik, S/o Mohammad Firoz Khan, R/o Shamsher Nagar, Near Imambada Pandarpala, Bishnupur, P.O.- B Polytechnic, P.S.- Bhuli, Dist.- Dhanbad.

... Appellant

Versus

The State of Jharkhand through ATS

... Respondent

CORAM: HON'BLE MR. JUSTICE RONGON MUKHOPADHYAY
HON'BLE MR. JUSTICE RAM SHARMA

For the Appellant(s) : Mr. Mokhtar Khan, Adv.
For the State : Spl. P.P.

13/23.11.2026 Heard Mr. Mokhtar Khan, learned counsel for the appellants and learned Spl. P.P.

2. Since all these appeals accentuate a common

refrain, they are being disposed of by this common order. However, for the sake of convenience, since each of the appellants are aggrieved by the extension of the period of investigation and the consequent rejection of their prayer for default bail, the said details are assimilated hereinunder.

3. In Cr. Appeal (DB)(Filing) No. 12831 of 2026 (Gulfam Hassan v. State of Jharkhand through ATS Ranchi), Cr. Appeal (DB)(Filing) No. 9138 of 2026 (Ayan Javed v. The State of Jharkhand through ATS Ranchi), Cr. Appeal (DB)(Filing) No.8697 of 2026 (Shahzad Alam v. The State of Jharkhand through ATS Ranchi), Cr. Appeal (DB)(Filing) No. 6842 of 2026 (Shabnam Parween v. State of Jharkhand through ATS, Ranchi) and Cr. Appeal (DB) No, 1416 of 26 (Mohammad Ammar Yasar @ Amar Yasar v. The State of Jharkhand through ATS), the appellants are aggrieved by the order dated 17-07-2025 passed in ATS P.S. Case No. 06/2025, by the learned Additional Judicial Commissioner-XVIII-cum-Special Judge, ATS, Ranchi, whereby and whereunder, the application preferred by the Dy. S.P.-cum-Investigating Officer, ATS, Ranchi, for extension of investigation for 60 days has been allowed.

4. In Cr. Appeal (DB) No. 239 of 2026 (Gulfam Hassan v. The State of Jharkhand), the appellant has prayed for setting aside the order dated 15-09-2025 passed by the learned Additional Judicial Commissioner-XVIII-cum-Special Judge, ATS, Ranchi, in ATS P.S. Case No. 06/2025, whereby and whereunder, the prayer for default bail of the appellant preferred under Section 187(2) B.N.S.S. has been rejected. The appellant Shahzad Alam alias Sahzad in Cr. Appeal (DB)(Filing) No. 26625 of 2025 and the appellant Mohammad Ammar Yasar alias Amar Yasar alias Ammar Yasar alias Samik in

Cr. Appeal (DB)(Filing) No. 24693 of 2026 had preferred two separate applications under Section 187(2) B.N.S.S. which, however, was rejected vide a common order dated 20-08-2025 by the learned Additional Judicial Commissioner-XVIII-cum-Special Judge, Ranchi in ATS P.S. Case No. 06/2025 and the said order has been challenged by the appellants in their respective appeals. A similar prayer was made by the appellant Ayan Jawed in Cr. Appeal (DB) No. 1417 of 2026 and Shabnam Parween in Cr. Appeal (DB) No. 89 of 2026, but the same was rejected by the common impugned order dated 26-08-2025.

5. In most of the appeals, the issue of maintainability has been flagged by the office on the ground that the appeals have been preferred beyond the expiry of the maximum statutory period of 90 days as envisaged in Section 21(5) of the National Investigation Agency Act. In the context of the said objection, Mr. Mokhtar Khan, learned counsel for the appellants has submitted that in a similar issue, when a Co-ordinate Bench of this Court had dismissed an appeal on the ground of maintainability, the said appellant had moved the Hon'ble Supreme Court in Special Leave to Appeal (Crl.) No. 7961/2026 and the matter was remanded back to be decided on merits without going into the question of delay.

6. In the context of the submissions advanced by Mr. Mokhtar Khan, learned counsel for the appellants, we may refer to the order dated 10-03-2026 passed by a Co-ordinate Bench of this Court in Criminal Appeal (DB)(Filing) No. 26650 of 2025. The said appeal was preferred against the order dated 17-07-2025 passed in ATS P.S. Case No. 06/2025 by which the period of investigation was extended for 60 days by the learned trial court. Incidentally, all the present appeals arise out of the orders passed in ATS P.S. Case No. 06/2025 as is

the case under reference. The relevant part of the order dated 10-03-2026 reads as under:

> ***"26.*** *At this juncture, it is also pertinent to reiterate that we are not sitting in original jurisdiction under Article 226 of the Constitution, wherein the vires of Section 21 (5) of the NIA Act, 2008, is under challenge; rather, we are sitting in appeal, therefore, reading out any statutes is beyond our jurisdiction and as held by the Hon'ble Apex Court in catena of decisions; few Of which have been cited herein above; we do not have any hesitation in holding that any appeal under Section 21 of the NIA Act, 2008, can be filed up to a maximum period of 90 days. As a matter of fact, this provision is pari materia with the erstwhile provision of Central Excise Act, 1944 wherein also there was period of condonation of delay for 60 days to the Court and a further period of 30 days was given to the Court to condone the delay, however, beyond 90 days it has been held in the case Of Singh Enterprises (Supra) that Courts cannot entertain any appeal.*
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> ***27.*** *Accordingly, we are not having any hesitation in dismissing the appeal being not maintainable as the same has been filed beyond the maximum period of limitation and we sustain the objection given by the Registry that the Appeal is barred by limitation. However, there shall be no order to cost."*

7. Against the order dated 10-03-2026 passed in

Cr. Appeal (DB)(Filing) No. 26650 of 2026, the said appellant had moved the Hon'ble Supreme Court in Special Leave to Appeal (Crl.) No. 7961/2026 which was disposed of on 28-09-2026 and it was held as follows:

> ***"6.*** *Considering the submissions made and taking note of the fact that the present appeals pending before us arise from orders whereby, the High Court dismissed the appeal seeking bail as being delayed, we deem it appropriate to give one more opportunity to the appellant(s) to argue all the appeals before the High Court on merits and seek disposal thereof in accordance with law.*
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> ***7.*** *In such view of the matter, the impugned order(s) is/are set aside and the matters are remitted to the High Court to be decided afresh on merits and in accordance with law without going into the question of condonation of delay. We request the High Court to make an endeavour to dispose of the said appeals within a period of two months from the date of receipt of a copy of this order."*

8. Since the issue which arises in the present appeals are similar to the case under reference and since an order has been passed to decide the same afresh on merits, we accordingly waive the objection raised by the office and all the appeals in which objections have been raised are held to be maintainable and consequently, they are being decided on merits.

9. The prosecution case reveals that the Superintendent of Police, ATS, Ranchi received a tip-off that

some banned organizations like Hizb-ut-Tahrir, Al-quada in Indian Subcontinent, ISIS and other banned organizations are connecting the youths of the state through mobile numbers 8102024132, 9905593104 and 8434810700 in order to radicalize them for committing anti-national activities. On the basis of the said tip, several teams were constituted and raids were conducted at several places and during the course of search near a bridge at Mama Sarthi Hotel, two persons, namely, Gulfam Hassan and Ayan Jawed were apprehended and from their possession, country-made pistols and cartridges were recovered. Both the accused had confessed about their connection with the banned organization Hizb-ut-Tahrir and the arms were supplied to them by Mohammad Shahzad Alam. It has been alleged that Mohammad Shahzad Alam had also confessed of being a member of the banned organization. The house of Ayan Jawed was thereafter searched and in the mobile of Shabnam Parween, the wife of Ayan Jawed, incriminating materials connected with Hizb-ut-Tahrir were found. On the basis of the aforesaid allegations, ATS P.S. Case No. 06/2025 was instituted for the offences punishable under Sections 61(2), 113(1)(a)(iii), 152 B.N.S., Section 16, 18, 18B, 20 of the Unlawful Activities (Prevention) Act, 1967 as well as Section 25(1-B)a, 26 and 35 Arms Act.

10. The appellants were arrested on 26-04-2025 and were remanded to judicial custody on 27-04-2025. Since no charge sheet was filed by the ATS, Ranchi within the statutory period, application(s) were filed by the appellants for grant of default bail under Section 187(2) B.N.S.S. which, however, was dismissed since the period of investigation was already extended for 60 days vide order dated 17-07-2025 which was

not in the knowledge of the appellants and consequently, all have challenged the order dated 17-07-2025 as well.

11. It has been submitted by Mr. Mokhtar Khan, learned counsel for the appellants that the order dated 17-07-2025 passed by the learned trial court is bad in law inasmuch as none of the appellants were noticed prior to passing of the said order. It has been submitted that no reasons have been assigned while extending the period of investigation by 60 days and such mechanical order deserves to be quashed and set aside. Learned counsel further submits that once the order dated 17-07-2025 is quashed, the prayer for default bail will automatically revive and since the statutory requirement has not been fulfilled by the prosecution, all the appellants are entitled to the privilege of default bail.

12. Learned Special P.P. has opposed the prayer made in these appeals and has submitted that extension of period of investigation was necessary as there were chances of new revelations and which was the reason for the Investigating Officer in filing an application seeking extension of the period of investigation. The extension having been allowed, the prayer for grant of default bail consequently gets nullified which has rightly been noted by the learned trial court.

13. We have heard the learned counsel for the respective sides and have also perused the affidavits on record.

14. The impugned orders rejecting the prayer for default bail of the appellants is dependent on the fate of the order dated 17-07-2025 in which on the application preferred by the Investigating Officer of ATS P.S. Case No. 06/2025, the period of completion of investigation was extended for 60 days. It is an admitted position that no notice was served on the appellants regarding the prayer for extension and the order

dated 17-07-2025 also does not assign any reason for acceding to the prayer of the Investigating Officer. In the case of ***Md. Ariz Hasnain alias Ariz Hasnain v. State of Jharkhand*** in ***S.L.P. (Crl.) No. 11860/2025*** upon which reliance has been placed by Mr. Mokhtar Khan, the Hon'ble Supreme Court has held as follows:

> ***"35.*** *Thus, the orders of extension, as referred to above, clearly reflect that the extensions were granted in a totally mechanical manner without assigning any justifiable reasons. This patent lacuna in the series of extensions coupled with the fact that the first extension granted vide order dated 2nd February, 2024, was, in itself, illegal and arbitrary as it was passed without notice and effective opportunity of raising objections to the appellant prior to the grant of such extension are fatal and renders the continued custody of the appellant beyond the period of 90 days illegal, entitling him to claim default bail.****"***

15. In view of the aforesaid findings, the order dated 17-07-2025 passed by the learned trial court in ATS P.S. Case No. 06/2025 is hereby quashed and set aside. As a result of the quashment of the said order, the prayer for default bail automatically gets resurrected. Admittedly, on the date of the application(s) seeking default bail under Section 187(2) B.N.S.S., the charge sheet was not submitted by the Police and, therefore, the appellants had acquired an indefeasible right to be released on bail. In such view of the matter, the order dated 15-09-2025, 20-08-2025 and 26-08-2025 of the respective appellants are hereby quashed and the appellants

are directed to be released on bail under Section 187(2) B.N.S.S. on such conditions the learned trial court shall impose.

16. All these appeals are **allowed.**

17. Pending I.A.(s), if any, stands closed.

(RONGON MUKHOPADHYAY, J.)

(RAM SHARMA, J.)

Dated: 23rd November, 2026
Preet/-
Uploaded on: 23/11/2026.