

GAHC010040182026



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

Case No. : I.A.(CrI.)/205/2026

JAHNABEE SAIKIA
D/O ANAND MOHAN DAS, R/O AMALAPATTY, WARD NO 7, P.O. AND P.S.
SIVASAGAR. DIST. SIVASAGAR, ASSAM, PIN 785640 ,PH

VERSUS

NATIONAL INVESTIGATION AGENCY
REPRESENTED BY SC, NIA

Advocate for the Petitioner : MR. B D KONWAR SR. ADV., MRS J M KONWAR,MS. B SOREN,MR H AGARWAL,MR J SINGH

Advocate for the Respondent : SC, NIA,

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

Date : 01.04.2026
(M. Zothankhuma, J)

Heard Mr. J. Singh, learned counsel appearing for the applicant. Also heard Mr. R.K.D. Choudhury, learned Dy. S.G.I.

2. This is an application for condonation of delay of 152 days in filing the

appeal against rejection of the bail application by the NIA Court.

3. Section 21(5) of the National Investigation Agency Act, 2008 states as follows-

“21. Appeals.—

(5) Every appeal under this section shall be preferred within a period of thirty days from the date of the judgment, sentence or order appealed from:

Provided that the High Court may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that the appellant had sufficient cause for not preferring the appeal within the period of thirty days:

Provided further that no appeal shall be entertained after the expiry of period of ninety days.”

4. A bare reading of the second proviso to Section 21(5) prima facie indicates that no appeal can be entertained after a period of 90 days. However, the learned counsel for the applicant has relied upon the judgments of the High Court of Jammu & Kashmir & Ladakh and the Telangana High Court, which is to the effect that delay beyond 90 days can be condoned under Section 21(5).

5. As per the prayer of the learned counsels for the parties, list the matter on **22.04.2026.**

JUDGE

JUDGE

Comparing Assistant