



2026:CGHC:10718-DB

AFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 2656 of 2025

Ramesh Mandavi S/o Rajman Mandavi Aged About 35 Years R/o Village- Kokvaar, Panchayat Arra, Block- Antagarh, District- Northern Bastar Kanker (C.G.)

... Appellant

versus

State of Chhattisgarh Through Officer-In-Charge, Police Station- Amabeda, District- Northern Bastar Kanker (C.G.)

... Respondent

(Cause-title taken from Case Information System)

For Appellant	:	Ms. Priyanka Shukla, Advocate
For Respondent/State	:	Mr. Soumya Rai, Deputy Government Advocate

Hon'ble Shri Ramesh Sinha, Chief Justice
Hon'ble Shri Ravindra Kumar Agrawal, Judge
Judgment on Board

Per Ramesh Sinha, Chief Justice

02.03.2026

1. Heard Ms. Priyanka Shukla, learned counsel for the appellant as well as Mr. Soumya Rai, learned Deputy Government Advocate, appearing for the State/respondent.

- 2.** The present appeal has been preferred under Section 21 of the National Investigation Agency Act, 2008 (hereinafter referred to as “the NIA Act”), calling in question the legality, propriety and correctness of the orders dated 07.10.2025 and 17.10.2025 passed by the learned Special Judge (NIA Act), North Bastar, Kanker (hereinafter referred to as “the Special Judge”) in connection with FIR No. 16/2022 registered at Police Station Amabeda, District Kanker, for alleged offences punishable under Sections 147, 148, 149, 307, 506 of the Indian Penal Code, 1860 (for short ‘IPC’) Sections 25 and 27 of the Arms Act, 1959 for short, ‘Arms Act’) as well as Sections 17, 18-A, 19, 23, 38(2) and 40 of the Unlawful Activities (Prevention) Act, 1967 (for short, ‘UAPA’).
- 3.** By order dated 07.10.2025, the learned Special Judge allowed the application preferred by the Investigating Officer seeking extension of time for completion of investigation from 90 days to 180 days in terms of Section 43-D(2)(b) of the UAPA. Thereafter, by order dated 17.10.2025, the learned Special Judge rejected the application filed by the appellant seeking statutory/default bail under Section 187 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as “the BNSS”).
- 4.** Aggrieved thereby, the appellant has approached this Court contending that the impugned orders suffer from patent illegality and material irregularity. It is urged that the extension of time

granted under Section 43-D(2)(b) of the UAPA was mechanical and contrary to the mandatory requirements of law, and consequently, the rejection of the appellant's application for default bail under Section 187 of the BNSS has resulted in a serious infraction of the appellant's indefeasible right to personal liberty as guaranteed under Article 21 of the Constitution of India.

5. The prosecution case, in brief, is that the present appellant, Ramesh Mandavi, is named as an accused in FIR No. 16/2022 registered at Police Station Amabeda, District Kanker, alleging commission of offences punishable under Sections 147, 148, 149, 307 and 506 of the IPC; Sections 25 and 27 of the Arms Act; and Sections 17, 18-A, 19, 23, 38(2), 39(2) and 40 of the UAPA.

5.1. As per the prosecution, the appellant is alleged to have been associated with certain unlawful and extremist activities connected with banned Naxalite organisations and to have facilitated or supported activities prejudicial to the sovereignty and integrity of the country. The investigation in the aforesaid FIR was stated to be continuing at the time of his arrest.

5.2. The appellant, however, is stated to be a resident of Village Kokvar (Arra). It is not in dispute that he has earlier served as Sarpanch of Gram Panchayat Arra for a period of approximately ten years and as Ward Panch of Kokvar for about five years. It is further borne out from the record that he had contested the 2023 Vidhan Sabha elections. He is stated

to be a permanent resident of the village and claims to have no criminal antecedents.

5.3. According to the prosecution, on 16.07.2025 at about 3:00 AM, a team comprising personnel of the District Reserve Guard (DRG) along with local police apprehended the appellant from his residence at Village Kokvar in connection with the aforesaid FIR. He was produced before the jurisdictional Court on the same day at about 4:00 PM and was thereafter remanded to judicial custody.

5.4. It is an admitted position on record that the statutory period of 90 days for completion of investigation, as contemplated under Section 187 of the BNSS, read with Section 43-D(2)(b) of the UAPA, was to expire on 14.10.2025.

5.5. Prior thereto, on 07.10.2025, an application was moved before the learned Special Judge by the Public Prosecutor, based on a report submitted by the Investigating Officer, seeking extension of time for completion of investigation by a further period of 90 days under Section 43-D(2)(b) of the UAPA. In the said application, the Investigating Officer, in substance, stated that arrest of certain absconding co-accused was pending, sanction under Section 45 of the UAPA had not yet been obtained from the State Government, search and patrolling operations were continuing in the area, and that further time was required to complete the investigation.

5.6. By order dated 07.10.2025, the learned Special Judge allowed the said application and extended the period of investigation from 90 days to 180 days, authorising continuation of the appellant's judicial custody up to 06.01.2026. The order substantially records the grounds mentioned in the Investigating Officer's report.

5.7. Thereafter, upon expiry of the initial period of 90 days and in the absence of filing of charge-sheet within that period, the appellant moved an application under Section 187(2) of the BNSS, read with Section 43-D(2)(b) of the UAPA, claiming statutory/default bail, contending that the extension order dated 07.10.2025 was invalid in law and that his indefeasible right to be released on default bail had accrued.

5.8. By order dated 17.10.2025, the learned Special Judge rejected the appellant's prayer for default bail, upholding the earlier order granting extension of time for investigation.3.9. Being aggrieved by the order dated 07.10.2025 extending the period of investigation and by the subsequent order dated 17.10.2025 rejecting his application for default bail, the present appeal has been filed.

6. Ms. Priyanka Shukla, learned counsel appearing for the appellant, assailed the impugned orders dated 07.10.2025 and 17.10.2025 as being wholly unsustainable in law and in direct contravention of the mandatory statutory safeguards embodied in Section 43-D(2)

(b) of the UAPA and Section 187 of the BNSS. She further submits that the order dated 07.10.2025 extending the period of investigation from 90 days to 180 days is void ab initio inasmuch as it was passed without production of the appellant before the learned Special Judge, either physically or through video-conferencing. Inviting attention to the very recital in the impugned order, she submits that it records the presence of the Public Prosecutor but acknowledges that the accused was not produced and only a jail warrant was placed before the Court. It is contended that production of the accused at the time of considering continuation of judicial custody is not a mere formality but a mandatory jurisdictional requirement.

7. Reliance is placed upon the judgment of the Hon'ble Supreme Court in ***Jigar alias Jimmy Pravinchandra Adatiya v. State of Gujarat, (2023) 6 SCC 484***, wherein it has been categorically held that extension of remand without production of the accused, either in person or through electronic linkage, violates the mandate of Section 167 of Code of Criminal Procedure, 1973 (for short, "CrPC") (pari materia with Section 187 BNSS) and infringes Article 21 of the Constitution of India, and that prejudice is inherent in such violation. She submits that in view of the said authoritative pronouncement, the extension order suffers from a foundational defect and cannot defeat the appellant's right to default bail.

8. It is further submitted by Ms. Shukla that the extension granted under Section 43-D(2)(b) of the UAPA was based on no valid “report of the Public Prosecutor” as contemplated by the statute. Learned counsel argues that the Public Prosecutor merely forwarded the application of the Investigating Officer without any independent analysis, evaluation of progress of investigation, or specific reasons necessitating continued detention of the appellant. Placing reliance upon ***State of Maharashtra v. Surendra Pundlik Gadling and others, (2019) 5 SCC 178***, it is urged that the Supreme Court has laid down that four cumulative conditions must be satisfied before extension of time is granted, including a reasoned report of the Public Prosecutor indicating progress of investigation and specific reasons for further detention. It is contended that absence of such an independent report strikes at the root of jurisdiction and renders the extension completely illegal.
9. Further reliance is placed upon ***Hitendra Vishnu Thakur and others v. State of Maharashtra and others, (1994) 4 SCC 602***, wherein the Apex Court held that the Public Prosecutor is an independent statutory authority and not a mere post office of the investigating agency, and that mechanical forwarding of the IO’s request cannot substitute the statutory report mandated by special enactments. She submits that the impugned order fails to demonstrate any prosecutorial satisfaction or judicial scrutiny as

required by law. She next submits that the learned Special Judge acted mechanically and without application of mind. The order merely reproduces general grounds such as pending arrest of absconding accused, sanction under Section 45 of the UAPA, and continuation of search operations, grounds which, according to her, bear no nexus with the necessity of continued detention of the appellant. It is argued that sanction under Section 45 is an administrative act independent of custodial interrogation, and that arrest of other accused cannot justify prolonged incarceration of the present appellant. In this regard, reliance is placed upon ***Sanjay Kumar Kedia v. Narcotics Control Bureau, (2008) 2 SCC 294***, wherein the Supreme Court emphasised that extension of custody beyond statutory limits must rest upon compelling and specific reasons, and not on vague or routine investigative assertions. She further submits that settled law mandates that where a statute prescribes a particular manner for exercise of power, it must be exercised strictly in that manner, failing which the action becomes void.

10. It is contended by Ms. Shukla that the appellant's infeasible right to default bail crystallised on 14.10.2025 upon expiry of the statutory 90-day period without a valid extension order in the eye of law. Learned counsel places strong reliance upon ***M. Ravindran v. Intelligence Officer, Directorate of Revenue Intelligence, (2021) 3 SCC 485***, to submit that the right to default

bail arises the moment the stipulated period expires without a valid charge-sheet or lawful extension, and once such right accrues, it cannot be extinguished by subsequent or curative steps taken by the prosecution. She submits that the rejection of the appellant's application for default bail on 17.10.2025 amounts to negation of a vested statutory right and is therefore unconstitutional and contrary to the mandate of Article 21.

11. Lastly, Ms. Shukla submits that the appellant is a permanent resident of Village Kokvar, has served as an elected Sarpanch and Ward Panch, and has no criminal antecedents. She submits that the appellant undertakes to abide by any stringent conditions that may be imposed by this Court. In sum, learned counsel urges that the impugned orders being jurisdictionally flawed and violative of statutory safeguards deserve to be set aside, and the appellant be released on default bail in accordance with law.
12. Reliance is also placed upon the judgments rendered by the Hon'ble Supreme Court in ***Ram Narayan Singh v. State of Delhi and others, 1953 SCR 652, Judgebir Singh v. NIA, (2023) 17 SCC 48, Chaganti Satyanarayana v. State of Andhra Pradesh, (1986) 3 SCC 141, CBI v. Anupam Kulkarni, (1992) 3 SCC 141*** and ***State of Maharashtra v. Bharati Chandmal Varma, (2002) 2 SCC 121*** to buttress her submissions.
13. On the other hand, Mr. Soumya Rai, learned Deputy Government Advocate appearing for the State/respondent, vehemently

opposed the submissions advanced by learned counsel for the appellant and supported the impugned orders dated 07.10.2025 and 17.10.2025 passed by the learned Special Judge (NIA Act), Kanker. He further submits that the FIR bearing Crime No.16/2022 was registered on 05.08.2022 for serious offences punishable under Sections 147, 148, 149, 307 and 506 IPC; Sections 25 and 27 of the Arms Act; and Sections 17, 18-A, 19, 23, 38(2), 39(2) and 40 of the UAPA. It is contended that the nature of the allegations pertains to organised unlawful activities connected with extremist elements, and the investigation is of a complex and sensitive character involving multiple accused persons, several of whom were absconding at the relevant time.

- 14.** It is further submitted by Mr. Rai that prior to expiry of the initial statutory period of ninety days from the date of arrest of the appellant on 16.07.2025, the prosecution, through the Deputy Superintendent of Police, DRG, Kanker, moved an application under Section 43-D(2)(b) of the UAPA seeking extension of time for completion of investigation up to 180 days. Learned counsel submits that the said application was supported by a progress report detailing pendency of arrest of several absconding accused persons, ongoing search and combing operations, pendency of sanction under Section 45 of the UAPA, and requirement of further investigation. According to Mr. Rai, the learned Special Judge, after perusing the case diary and being satisfied that

investigation involved offences under the UAPA and that the statutory conditions stood fulfilled, exercised judicial discretion and extended the remand period till 06.01.2026. It is emphasised that on 07.10.2025, when the application for extension was considered, the Deputy Director of Prosecution was present before the Court and the counsel appearing on behalf of the appellant was also present, as recorded in the order sheet. No objection was raised on behalf of the appellant to the extension sought by the prosecution at the relevant stage. Thus, according to him, the order was passed after due consideration and cannot now be challenged on hyper-technical grounds.

- 15.** Mr. Rai contends that Section 43-D(2)(b) of the UAPA provides a special statutory regime for extension of the investigation period up to 180 days in cases where offences under the UAPA are involved, subject to satisfaction of the Court on the report of the Public Prosecutor indicating progress of investigation and specific reasons for continued detention. He submits that in the present case, the progress report was placed before the Court through the Deputy Director of Prosecution and the learned Special Judge, upon satisfaction, extended the period in exercise of judicial discretion.
- 16.** It is argued that the requirement under Section 43-D(2)(b) stood substantially complied with, and the order cannot be termed as without jurisdiction. With respect to the appellant's claim of default

bail under Section 167(2) CrPC/Section 187(2) BNSS, Mr. Rai submits that once the remand period had been validly extended to 180 days by order dated 07.10.2025, the statutory period had not expired when the application for default bail was filed on 17.10.2025. Therefore, no infeasible right had accrued to the appellant. The learned Special Judge, after examining the case diary and statutory provisions, rightly rejected the application for default bail. It is contended that the offences alleged are grave in nature, involving threats to public order and security. The investigation required coordination at multiple levels, including sanction under Section 45 of the UAPA and arrest of co-accused. In such circumstances, the legislature itself has provided for extended time up to 180 days. The prosecution having invoked the said provision before expiry of the initial 90-day period, and the Court having granted extension upon satisfaction, the subsequent bail application under Section 167(2)/187(2) was rightly held to be not maintainable.

- 17.** Lastly, Mr. Rai submits that the learned Special Judge exercised statutory powers as a judicial authority in accordance with law, after due application of mind. The impugned orders do not suffer from illegality, perversity, or jurisdictional error warranting interference by this Court under Section 21 of the NIA Act. The present appeal, therefore, being devoid of merit, deserves to be dismissed.

18. We have heard the learned appearing for the parties, considered their rival submissions made herein-above and also went through the records with utmost circumspection.
19. At this stage, it would be relevant to quote Section 43-D(2)(b) of the Unlawful Activities (Prevention) Act, 1967, which is reproduced below for easy reference:-

“Section 43-D(2)(b) Modified application of certain provisions of the Code- (1) * * *

“(2) Section 167 of the Code shall apply in relation to a case involving an offence punishable under this Act subject to the modification that in sub-section (2),—

(a) the references to ‘fifteen days’, ‘ninety days’ and ‘sixty days’, wherever they occur, shall be construed as references to ‘thirty days’, ‘ninety days’ and ‘ninety days’, respectively; and

(b) after the proviso, the following proviso shall be inserted, namely:—

“Provided further that if it is not possible to complete the investigation within the said period of ninety days, the Court may, if it is satisfied with the report of the Public Prosecutor indicating the progress of the investigation and the specific reasons for the detention of the accused beyond the said period of ninety days, extend the said period up to one hundred and eighty days.”

- 20.** A plain reading of the aforesaid provision makes it abundantly clear that the power of the Court to extend the period of investigation beyond ninety days is conditional and can be exercised only upon: (i) a report of the Public Prosecutor; (ii) such report indicating the progress of investigation; and (iii) specific reasons for continued detention of the accused beyond ninety days. The satisfaction of the Court is, thus, statutorily tethered to and contingent upon the existence of a valid and independent report of the Public Prosecutor.
- 21.** From perusal of the order dated 07.10.2025, it transpires that the State was represented through the office of the Deputy Superintendent of Police, DRG, North Bastar, Kanker, District North Bastar Kanker (C.G.). Accused Ramesh Kumar Mandavi was not produced from District Jail, Kanker; however, the jail warrant was submitted, and he was represented through counsel. It further transpires that a remand application along with the case diary was presented by the office of the Deputy Superintendent of Police, DRG, North Bastar, Kanker, in connection with Crime No.16/2022 registered at Police Station Amabeda, stating that prosecution sanction was yet to be obtained, investigation was incomplete, and additional time was required. On consideration of the case diary, the Court granted judicial remand up to 17.10.2025 and directed that the case diary be returned along with a copy of the remand application. It is further reflected from the said order

that an application was moved seeking extension of judicial remand of the arrested accused, Ramesh Kumar Mandavi, under Section 43-D(2)(b) of the UAPA, praying for extension of the remand period from 90 days to 180 days, i.e., up to 06.01.2026.

22. Upon perusal of the case diary, the Court noted that the accused had been booked under the provisions of the aforesaid Act; that several co-accused persons were still absconding and efforts including continuous search and operations were being undertaken for their arrest; that permission from the Inspector General of Police, Bastar Range, under Section 173(8) of the Code of Criminal Procedure for further investigation was yet to be obtained; and that sanction from the State Government under Section 45(1)(2) of the UAPA for filing of the prosecution complaint was still pending. Considering these aspects, the Court found it appropriate to allow the application and accordingly extended the remand period of the accused from 90 days to 180 days, i.e., up to 06.01.2026.

23. Further, from the order dated 17.10.2025, it reflects that the applicant/accused Ramesh Mandavi was represented through counsel and an application for default bail under Section 167(2) CrPC / Section 187(2) BNSS was filed on his behalf, which was taken up for consideration and disposal by the Court. It is reflected that the case diary in Crime No. 16/2022 registered at Police Station Amabeda for the offences punishable under

Sections 147, 148, 149, 307 and 506 IPC, Sections 25 and 27 of the Arms Act, and Sections 17, 18-A, 19, 23, 38(2), 39(2) and 40 of the UAPA was produced before the Court. An affidavit in support of the default bail application was also filed, stating that it was the first bail application and that no previous application had been filed or rejected either before the said Court or before the High Court. The principal contention raised on behalf of the accused was that he had been in judicial custody since 16.07.2025 and that the period of 90 days of judicial custody stood completed on 14.10.2025. It was urged that the application seeking extension of time for investigation was filed on 07.10.2025, i.e., eight days prior to the expiry of 90 days, and therefore the same was premature and the order extending time from 90 to 180 days was illegal and non est. It was further contended that on 07.10.2025 the accused was neither produced physically nor through video conferencing and that a copy of the report sent through the prosecuting agency was not supplied. It was also urged that no independent report of the Public Prosecutor was annexed and, thus, the order extending time to 180 days was not binding upon the accused.

- 24.** Various documents regarding the antecedents and social standing of the accused were filed along with the application, and reliance was placed upon judicial precedents including ***Surendra Pundlik Gadling*** (supra), ***Hitendra Vishnu Thakur*** (supra), and ***Chaganti***

Satyanarayana (supra) and the said application was orally opposed on behalf of the State.

- 25.** On consideration of the rival submissions and perusal of the case diary, the Court recorded that prior to completion of 90 days of judicial custody, an application under Section 43-D(2)(b) of the UAPA had been moved by the Investigating Officer seeking extension of time for investigation, and the said application had been allowed on 07.10.2025, extending the period of judicial custody from 90 days to 180 days. The order further records that on the date of consideration of the extension application, both sides were represented through counsel and no objection was raised on behalf of the accused. The Court also noted that the progress report specified the pending steps in investigation and that the prosecuting agency had supported the application, upon which the Court, being satisfied, exercised judicial discretion to extend the period. The Court further observed that under Section 43-D(2)(b) of the UAPA, the presence of the accused is not mandatory at the time of hearing an application for extension of time for investigation.
- 26.** In light of the fact that the judicial custody of the accused had already been validly extended up to 180 days, the Court held that the application for default bail under Section 167(2) CrPC / Section 187(2) BNSS was not maintainable and accordingly rejected the same.

- 27.** The legislative framework under Section 43-D(2)(b) of the UAPA engrafts a special procedure for investigation of offences under the Act and permits extension of the period for completion of investigation beyond ninety days up to one hundred and eighty days, subject to satisfaction of the Court on a report of the Public Prosecutor indicating (i) the progress of investigation and (ii) specific reasons for continued detention of the accused. The said provision is an exception to the general rule embodied in Section 167(2) CrPC / Section 187(2) BNSS, and is designed to address the complexity and sensitivity of offences affecting national security and public order.
- 28.** In the present case, it is not in dispute that the appellant was arrested on 16.07.2025 and that the application seeking extension of time under Section 43-D(2)(b) of the UAPA was filed on 07.10.2025, i.e., prior to expiry of the initial period of ninety days. The impugned order dated 07.10.2025 records that the Court perused the case diary and the progress report placed before it; noted that arrest of several absconding co-accused was pending; that search and combing operations were ongoing; that sanction under Section 45 of the UAPA was yet to be obtained; and that further investigative steps remained to be completed. Upon being satisfied with the grounds set out, the learned Special Judge extended the period of investigation to 180 days, i.e., up to 06.01.2026.

- 29.** The argument that the order of extension is mechanical or without jurisdiction does not commend acceptance. The order reflects application of mind to the material placed before the Court and records satisfaction regarding the necessity for extension. The statute does not require a detailed adjudicatory order akin to a judgment after trial; what is mandated is satisfaction of the Court on the report of the Public Prosecutor indicating progress of investigation and reasons for continued detention. On a cumulative reading of the order dated 07.10.2025 along with the progress report forming part of the record, we find that the essential statutory requirements stood complied with.
- 30.** The contention that the appellant was not physically produced on 07.10.2025 and, therefore, the extension order is void, is also liable to be rejected in the facts of the present case. The order sheet indicates that the accused was represented through counsel on the relevant date. Furthermore, the subsequent order dated 17.10.2025, passed while considering the application for default bail, records that on 07.10.2025 both sides were represented and that no objection was raised on behalf of the accused at the time when extension was sought and granted. Thus, the appellant was not left unrepresented nor was any protest recorded contemporaneously. In these circumstances, it cannot be held that prejudice stood automatically occasioned so as to render the order non est.

31. Equally untenable is the submission that there was no independent application of mind by the prosecuting agency. The record discloses that the application for extension was accompanied by a progress report detailing the pending steps in investigation, including arrest of absconding accused, continuation of search operations, and pendency of statutory sanction. The application was presented through the prosecuting agency before the Court, which upon perusal of the material, recorded its satisfaction. The mere fact that the grounds relate to pending investigative steps does not ipso facto render the extension illegal; rather, such factors are germane to assessing the progress of investigation and necessity of continued custody in offences under the UAPA.
32. Much reliance has been placed by learned counsel for the appellant upon decisions of the Hon'ble Supreme Court including ***Surendra Pundlik Gadling*** (supra), ***Hitendra Vishnu Thakur*** (supra), ***Jigar alias Jimmy Pravinchandra Adatiya*** (supra), ***M. Ravindran*** (supra) and others. There can be no quarrel with the propositions of law enunciated therein, namely, that (i) extension of time must be based upon a report of the Public Prosecutor indicating progress of investigation and specific reasons; (ii) the Public Prosecutor must act as an independent statutory authority; and (iii) the right to default bail is an indefeasible right which accrues upon expiry of the statutory period in the absence of a

valid extension. However, the aforesaid decisions are clearly distinguishable on facts. In several of the cases relied upon, the extension orders were passed either in the absence of the accused and without representation through counsel, or without there being any material to indicate consideration of a report of the Public Prosecutor, or without recording satisfaction in terms of the statutory mandate.

- 33.** In contradistinction, in the case at hand, the record demonstrates that the appellant was represented through counsel at the time when the extension application was considered; no objection was raised at that stage; a progress report detailing the status of investigation was placed before the Court; and the learned Special Judge recorded satisfaction before granting extension. Moreover, from the order dated 17.10.2025, it clearly transpires that while considering the application for default bail, the learned Special Judge specifically noted that on 07.10.2025 both sides were represented and no opposition had been voiced by counsel for the appellant at the time of extension. Thus, the factual substratum in the present matter materially differs from the cases cited.
- 34.** Once it is held that the order dated 07.10.2025 extending the period of investigation up to 180 days was not vitiated by illegality, procedural impropriety or want of jurisdiction, the very substratum of the appellant's claim for statutory/default bail necessarily

ceases to exist. The right contemplated under Section 167(2) CrPC, now embodied in Section 187(2) BNSS, though described in judicial pronouncements as an “indefeasible right”, is nonetheless a conditional right. It does not arise in vacuo, nor does it operate mechanically upon mere expiry of ninety days. The said right accrues only when two foundational requirements are cumulatively satisfied: first, that the prescribed statutory period for completion of investigation has expired; and second, that there exists neither a charge-sheet filed within such period nor a valid order of extension passed under a special enactment where applicable. In cases governed by Section 43-D(2)(b) of the UAPA, the statutory scheme itself carves out an exception and expressly empowers the Court to extend the period of investigation up to one hundred and eighty days upon being satisfied with the report of the Public Prosecutor indicating progress of investigation and specific reasons for continued detention.

- 35.** In the present case, the application seeking extension of time was moved and allowed on 07.10.2025, that is, prior to expiry of the initial ninety-day period which was to lapse on 14.10.2025. The competent Court, upon considering the progress report and the material placed on record, exercised jurisdiction vested under Section 43-D(2)(b) of the UAPA and extended the period for completion of investigation up to 06.01.2026. Once such

extension stood granted in accordance with law and within the permissible time frame, the statutory period for purposes of default bail automatically stood enlarged from ninety days to one hundred and eighty days. The legal consequence thereof is that the computation for accrual of the right under Section 167(2) CrPC / Section 187(2) BNSS shifts to the extended period. Thus, on 14.10.2025, when the initial period of ninety days expired, there was already a subsisting and operative judicial order extending the time for investigation. In such a situation, no indefeasible right in favour of the appellant could be said to have crystallised. The concept of “indefeasibility” attaches only after the statutory conditions are fulfilled; it cannot override a lawful extension granted under a special statute. Since the extended period of one hundred and eighty days had not expired when the appellant moved the application for default bail, the very premise of the application was untenable.

- 36.** Accordingly, the learned Special Judge, by order dated 17.10.2025, rightly held that the application under Section 167(2) CrPC / Section 187(2) BNSS was not maintainable in view of the valid extension already granted. The rejection of the application, therefore, cannot be characterised as either illegal or as an infraction of the appellant’s constitutional right to personal liberty, but rather as a faithful application of the statutory scheme governing investigation of offences under the UAPA.

- 37.** We are also mindful of the nature of allegations, which pertain to offences under the UAPA involving activities alleged to be prejudicial to sovereignty and integrity of the nation, in addition to serious penal offences under the IPC and Arms Act. The legislative intent behind incorporating Section 43-D(2)(b) is to enable a fair and effective investigation in complex cases of this nature, while at the same time subjecting extension of custody to judicial scrutiny. In the present matter, such scrutiny was indeed exercised.
- 38.** In appellate jurisdiction under Section 21 of the NIA Act, interference is warranted only when the impugned order suffers from patent illegality, perversity, or jurisdictional error. We do not find that the learned Special Judge has transgressed statutory limits, ignored mandatory requirements, or acted in a manner so arbitrary as to warrant interference.
- 39.** Consequently, we hold that the order dated 07.10.2025 extending the period of investigation from 90 days to 180 days under Section 43-D(2)(b) of the UAPA is legally sustainable, and the subsequent order dated 17.10.2025 rejecting the appellant's application for default bail under Section 187(2) of the BNSS does not suffer from any infirmity.
- 40.** The appeal, being devoid of merit, is accordingly **dismissed**. Pending applications, if any, stand disposed of.

- 41.** Office is directed to send a certified copy of this order to the trial Court concerned for necessary information and compliance forthwith.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice

Anu

Head Note

Extension of time for investigation under Section 43-D(2)(b) of the Unlawful Activities (Prevention) Act, 1967, if granted prior to expiry of the initial 90-day period upon consideration of the progress report and with the accused represented through counsel, constitutes a valid enlargement of statutory time. In such circumstances, no infeasible right to default bail accrues under Section 167(2) CrPC / Section 187(2) BNSS on completion of ninety days, and rejection of the default bail application is legally sustainable.