



2026:CGHC:13998-DB

**NAFR****HIGH COURT OF CHHATTISGARH AT BILASPUR****CRA No. 1689 of 2025**

1 - Aytu Usendi S/o Manu Usendi Aged About 36 Years  
 2 - Dhoba Badhda S/o Bondga Aged About 28 Years  
 3 - Dhoba Badhda S/o Gore Badhda Aged About 21 Years  
 R/o Village Kodliyar, P.S. Kohkameta, District Narayanpur (C.G.)

**... Appellants****versus**

1 - State of Chhattisgarh Through S.H.O. Kohkameta, District Narayanpur  
 (C.G.)

**... Respondent(s)**


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For Appellants	:	Shri Praveen Kumar Tulsyan, Advocate.
For State	:	Shri Soumya Rai, Dy. Govt. Advocate.

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**Hon'ble Shri Justice Ramesh Sinha, CJ****Hon'ble Shri Justice Ravindra Kumar Agrawal, J****Judgment on Board****24.03.2026****Per, Ramesh Sinha, CJ.**

1 The present appeal has been preferred under Section 21 (4) of the National Investigation Agency Act, 2008 (hereinafter referred to as "the NIA Act") filed by the appellants against the impugned order dated 10.06.2025 passed by Special Judge (NIA Act/Scheduled Offences), Narayanpur, District Narayanpur (hereinafter referred to as "the Special Judge") in connection with Crime No.13/2024, registered at Police

Station Kohkameta, District Narayanpur, for the offences punishable under Sections 191(2),191(3),190,61(2),111(2)(b) and 103 of BNS, 2023, Sections 25 and 27 of the Arms Act, 1959 for short, 'Arms Act') as well as Sections 3,4 and 5 of Explosive Substances Act, 1908, Section 10,13(1),16,20,38(2) and 39(2) of the Unlawful Activities (Prevention) Act, 1967 (for short, 'UAPA). By the said order dated 10.06.2025 the application filed by the appellants under Sections 167(2) of CrPC read with Section 187(2) of BNSS, 2023 has been rejected holding that the period for filing charge sheet has already been extended up to 180 days as provided under Section 43-D(2)(b) of the UAPA and in view of the aforesaid extension of period for completion of investigation, the application filed by the appellants is not maintainable.

- 2** Aggrieved thereby, the appellants have approached this Court contending that the impugned order suffers 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 167(2) CrPC read with 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.
- 3** The prosecution case, in brief, is that the appellants Aytu Usendi, Dhoba Badhd S/o Bondga and Dhoba Badhda S/o Gore Badhda are the accused persons in the aforesaid crime registered at Police Station Kohkameta. The allegation against the appellants are that they been associated with certain unlawful and extremist activities connected with

banned organisations and involved in illegal activities prejudicial to the sovereignty and integrity of the country and has committed the alleged offence. The appellants have been arrested on 27.01.2025. They were sent to judicial custody and detained in Sub-jail Narayanpur from 27.01.2025. After lapse of 108 days of their detention in jail under judicial remand, the appellants have filed an application under Section 167(2) CrPC read with Section 187(2) BNSS on the ground that 90 days period for completion of investigation is lapsed, yet final report could not be submitted by the police and there is no permission obtained from the court for further investigation. Therefore, the appellants are entitled for default bail.

- 4 Learned counsel appearing for the appellants assailed the impugned orders dated 10.06.2025 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. He further submits that the order dated 10.06.2025 by which the application of the appellants have been rejected is void ab initio inasmuch as it was passed without proper consideration of the legal provisions of Section 43-D(2) (b) of the UAPA. It is further submitted that extension granted under Section 43-D(2) (b) of the UAPA was based on no valid report of Public Prosecutor as contemplated by the statute. There is no independent analysis of the investigating officer, evaluation of progress of investigation. The 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. In absence of such independent

report strikes at the root of jurisdiction and renders the extension completely illegal.

- 5 On the other hand learned counsel for the State vehemently opposes the submissions made by the counsel for the appellants and supported the impugned order dated 10.06.2025. He further submits that FIR bearing Crime No.13/2024 was registered for serious offences punishable under Sections 191(2),191(3),190,61(2),111(2)(b) and 103 of BNS, 2023, Sections 25 and 27 of the Arms Act as well as Sections 3,4 and 5 of Explosive Substances Act and Sections 10,13(1),16,20,38(2) and 39(2) of the UAPA. It is further 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. The judicial remand of the appellants were granted by the trial court under the provisions of Section 43-D(2)(b) of the UAPA which was based on proper appreciation of police report as well as legal provisions. Looking to complex fact and instances of the case as well as absconding accused persons, the manner needs further investigation for which time was extended by the trial court up to 180 days and charge sheet has been filed on 29.07.2025 before the Special Court (NIA Act) Narayanpur against the present appellants. The State counsel would further submit that the issue involved in the present case has already been considered by this court in **Ramesh Mandavi Vs. State of Chhattisgarh** in CRA No.2656 of 2025 decided on 02.03.2026.

Therefore, there is no merit in the present appeal and the same is liable to be dismissed.

- 6 We have heard the counsel appearing for the parties and perused the material annexed with the appeal.
- 7 At this stage, it would be relevant to quote Section 43-D(2)(b) of the UAPA, which is reproduced below for ready 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:”

- 8 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.

- 9** From perusal of order sheets of trial court it transpires that judicial remand of appellants were granted by the trial court under the provisions of Section 43-D(2)(b) of the UAPA and under the extended time of 180 days, the charge sheet was filed on 29.07.2025. It further reflects that an application under Section 167(2)CrPC read with Section 187(2) BNSS was filed by the present appellants on 29.05.2025. It further transpires from order sheet dated 26.04.2025 that the State was represented through the office of SDO(P) Narayanpur who moved an application for extension of time to complete investigation as provided under Section 43-D(2)(b) of the UAPA supported by an affidavit of SDO(P) Narayanpur and the trial court has extended the time to complete the investigation against the present appellants up to 180 days vide its order dated 26.04.2025. Since the period to complete investigation was already extended to 180 days vide order dated 26.04.2025, the application filed by the present appellants on 29.05.2025 claiming that period to complete investigation is 90 days and the appellants have been detained in judicial custody for more than 90 days, they are entitled for default bail, is misconceived. Under the provisions of Section 43-D(2)(b) of the UAPA, the time was already extended and application of the appellants for grant of default bail apparently was not maintainable. The extension of time to complete investigation under the provisions of Section 43-D(2)(b) of the UAPA has already been considered by this court in Ramesh Mandavi (Supra).
- 10** The application filed by the present appellants is found to be within the extended period of completion of investigation. Thus, we do not find

any perversity or infirmity in the order dated 10.06.2025 passed by the Special Judge (NIA Act) Narayanpur, rejecting the application filed by the appellants as the period to complete the investigation has already been extended up to 180 days under the provisions of Section 43-D(2) (b) of the UAPA.

- 11** Accordingly, the learned Special Judge, by order dated 10.06.2025 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.
- 12** 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.
- 13** 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, as we have already considered and decided similar issue in ***Ramesh Mandavi Vs. State of Chhattisgarh (Supra)***.

- 14** Consequently, we hold that the order dated 26.04.2025 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 10.06.2025 rejecting the appellant's application for default bail under Section 187(2) of the BNSS does not suffer from any infirmity.
- 15** The appeal, being devoid of merit, is accordingly dismissed. Pending applications, if any, stand disposed of.
- 16** 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**

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