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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CRL.A. 960/2024

SHAHID NASIR

.....Appellant

Through: Mr. Satyakam, Mr. Talha Abdul Rahman, Mr. Shaikh Saipan, Mr. Shareef K.A., Mr. Md Arif Hussain, Mr. Shudhanshu Tewari and Mr. Faizeen Hussain Khan, Advocates.

versus

NATIONAL INVESTIGATION AGENCY

.....Respondent

Through: Mr. Rahul Tyagi, SPP with Mr. Jatin, Mr. Amit Rohila, Mr. Aniket Singh, Advs. alongwith Ms. Nidhi Shivhare, DSP (M: 9289337227)

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE RAJNEESH KUMAR GUPTA

ORDER

% **11.03.2025**

1. This hearing has been done through hybrid mode.

CRL.M.(BAIL) 540/2025 (seeking Interim Bail)

2. The present application has been filed by the Appellant- Shahid Nasir under Section 21 of the National Investigation Agency Act, 2008 (hereinafter 'NIA Act'), seeking interim bail and permission to travel to Karnataka to attend the wedding ceremonies of his niece.
3. The Appellant had filed a regular bail application before the Additional Session Judge-3, N.D.D. Patiala House Court which was rejected *vide* order dated 07th September, 2024. The said application was dismissed by the Special Court and the present appeal is pending for consideration before this



Court.

4. In the meantime, the present application has been moved seeking interim bail on the ground that the wedding ceremonies of the niece of the Appellant are scheduled from 2nd April, 2025 to 5th April, 2025 in Gulbarga, Karnataka.

5. The Id. Counsel appearing on behalf of the Appellant submits that since the regular bail is pending before this Court, the present application is also maintainable here. He relies upon the order dated 18th October, 2023 of the Supreme Court in ***Abdul Razak Peediyakkal vs. Union of India, M.A. No. 2156 of 2023*** in ***Crl.A. No. 2585/2023*** wherein under similar circumstances the Supreme Court granted interim bail to attend a wedding.

6. The maintainability of this application is objected by Mr. Tyagi, Id. Counsel for the National Investigation Agency (hereinafter 'NIA'), on the ground that this Court is exercising appellate jurisdiction under Section 21 of NIA Act. Id. Counsel submits that an original application seeking bail for any other reason, or events which have taken place subsequent to the dismissal of the application which was earlier considered by the Special Court, would have to be first preferred before the trial Court itself and not before this Court. He relies upon the decision of the Supreme Court in ***State of Andhra Pradesh through I.G. National Investigation Agency & Ors vs. Mohd. Hussain & Ors., SLP (Criminal) Nos. 7375 and 9788/2012 decided on 13th September 2013***, in support of the submission.

7. The Court has considered the matter. It is not disputed that this Court is currently exercising appellate jurisdiction under Section 21 of NIA Act. The grounds on which the bail was sought earlier, which was rejected by the Special Court are contained in the order dated 7th September, 2024. The



ground which is now being given for consideration of interim bail is a subsequent event, which is the wedding ceremonies of the niece of the Appellant which are scheduled from 2nd April, 2025 to 5th April, 2025. The consideration of this application by this Court, could deprive either of the parties of an appeal under Section 21.

8. Accordingly, this Court is of the opinion that following the judgment of the Supreme Court in *State of Andhra Pradesh through I.G. National Investigation Agency & Ors vs. Mohd. Hussain & Ors., (Supra)* the application for interim bail ought to be first moved before the Special NIA Court.

9. This Court has not considered the merits of the matter. The Special Court before whom such an application may be moved, is free to consider the same in accordance with law despite the pendency of the appeal before this Court. The present application is disposed of in above terms.

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10. List on 17th March, 2025, the date is already fixed.

PRATHIBA M. SINGH, J

RAJNEESH KUMAR GUPTA, J

MARCH 11, 2025/da/ck