



2026:AHC-LKO:20344

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

APPLICATION U/S 482 No. - 734 of 2026

Mohd. Faizan and 2 others

.....Applicant(s)

Versus

State of U.P. Thru. Addl. Chief Secy./Prin. Secy.
Home Lko. and another

.....Opposite
Party(s)

Counsel for Applicant(s) : Aftab Ahmad, Harsh Vardhan Kediya,
Sheeran Mohiuddin Alavi

Counsel for Opposite Party(s) : G.A.

AFR Reserved on 23.02.2026

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HON'BLE BRIJ RAJ SINGH, J.

1. The present application has been filed seeking setting aside the order dated 01.07.2025 passed by the Special Judge NIA/Additional Sessions Judge, Court No.3, Lucknow in Sessions Case No.2414 of 2023, State Vs. Mohd. Faizan and others, arising out of Case Crime No.342 of 2022, under Sections 121-A, 153-A and 295-A IPC, Police Station Bakshi Ka Talab, District Lucknow and the cognizance order dated 22.12.2022 passed by the Additional Chief Judicial Magistrate-V, Lucknow with a further prayer to quash the entire proceedings of the aforesaid case.

2. At the very outset, Sri Shiv Nath Tilhari, learned AGA has raised a preliminary objection that application under Section 482 Cr.P.C. is not maintainable against the order of refusal to discharge in view of Section 21(1) of the National Investigation Agency Act, 2008 (for short "the NIA Act, 2008"), which provides that an appeal shall lie from any judgement, sentence or order not being an interlocutory order of a Special Court to the High Court both on facts and on law. In support of his contention, learned AGA has placed reliance upon the following judgements:-

1. *Sallahuddin Vs. State of U.P. and others*, (2022) SCC OnLine All 660;
2. *Sumit Kumar and others Vs. State of U.P. and others*, (2024) SCC OnLine All 3146; and
3. *Ravindra Kumar Vs. State of U.P.*, (2025) SCC OnLine All 6055.

3. On the other hand, Sri Aftab Ahmad, counsel for the applicant has submitted that this Court has inherent power to entertain the application under Section 482 Cr.P.C./528 BNSS and the rejection of discharge application can be heard and decided by this Court. He has tried to convince the Court that since the NIA Act, 2008 is not applicable to the applicant, it may be inferred that he was charge-sheeted by the State of U.P. and the application under Section 482 Cr.P.C./528 BNSS would lie.

4. Counsel for the applicant has further submitted that the NIA Act, 2008 was enacted with a view to make provisions for establishment of a National Investigation Agency with provisions for taking up specific cases under specific Acts for investigation, through Agency and further provisions setting up of Special Courts and for other related matters. The Statement of Objects and Reasons of the NIA Act, 2008 read as under:-

"An Act to constitute an investigation agency at the national level to investigate and prosecute offences affecting the sovereignty, security and integrity of India, security of State, friendly relations with foreign States and offences under Acts enacted to implement international treaties, agreements, conventions and resolutions of the United Nations, its agencies and other international organisations and for matters connected therewith or incidental thereto."

5. Counsel for the applicant has further submitted that the NIA Act, 2008 was amended in the year 2019 by way of the NIA (Amendment) Act, 2019, which also contained Statement of Objects and Reasons, the relevant portion of which is as follows:-

1. The National Investigation Agency Act, 2008 (the Act) was enacted with a view to constitute an investigation agency at the national level to investigate and prosecute offences affecting the sovereignty, security and integrity of India, security of State, friendly relations with foreign States and offences under Acts enacted to implement international treaties, agreements, conventions and resolutions of the United Nations, its agencies and other international organisations.

2. In order to facilitate the speedy Investigation and prosecution of Scheduled Offences, including those committed outside India against the Indian citizens or affecting the interest of India and to insert certain new offences in the Schedule to the Act as Scheduled Offences which adversely affect the national security, it has become necessary to amend certain provisions of the Act."

6. Counsel for the applicant has further submitted that a perusal of the said Statement of Objects and Reasons of both, the NIA Act, 2008 as well as the 2019 Amending Act, shows the clear intent of the Legislature in enacting the NIA Act, 2008, inasmuch twin conditions of investigation and prosecution of offences mentioned in the Schedule of the NIA Act, 2008 have been envisaged. It would thus follow that the Scheduled

Offences of the NIA Act, 2008 would have to be investigated and consequently prosecuted by the NIA, meaning thereby, that such offences which have not been investigated by the NIA, cannot subsequently be prosecuted by it, even though such offences may be mentioned in the Schedule to the NIA Act, 2008. However, in the instant case, the alleged offences under Sections 121A, 153A and 295A IPC have been investigated by the UP Police and the NIA had no role to play in the investigation of the said offences. It is submitted that the present case is not even being prosecuted by the NIA inasmuch as the impugned order dated 01.07.2025 itself records that the prosecution is being conducted by State of UP. It is submitted that neither of the twin conditions of investigation or prosecution by the NIA are met in the instant case, therefore, the trial of the present case before the Special Court NIA, Lucknow, is entirely misplaced and without jurisdiction, and as such it ought to be conducted before the regular court dealing with the offences in question.

7. Counsel for the applicant has further submitted that Chapter-III of the NIA Act, 2008 provides for "Investigation by the National Investigation Agency" The provisions of Section 6 under Chapter-III of the NIA Act, 2008 provide that upon receipt of information and recording thereof relating to any Scheduled Offence, the police shall forward a report to the State Government, which, upon receipt of the said report, shall forward it to the Central Government. Upon receipt of such report, the Central Government shall make a determination as to whether the offence is a Scheduled Offence or not and also whether, having regard to the gravity of the offence and other relevant factors, it is a fit case to be investigated by the NIA, and if the Central Government is satisfied on both the aforementioned counts, it shall direct to the NIA to investigate the said offence. Section 6 (5) also empowers the Central Government to *suo motu* direct the NIA to investigate any such offence which, in its opinion, is a Scheduled Offence and is required to be investigated by the NIA. It can thus be seen that Section 6 of the NIA Act, 2008 mandates the formation of a specific opinion by application of mind by the Central Government that an offence, even though it may be a Scheduled Offence under the NIA Act, 2008, is a fit case for investigation by the NIA.

8. Counsel for the applicant has further submitted that Section 7 of the

NIA Act, 2008, specifically section 7(b) empowers the NIA to transfer the investigation to the State Government, but only after the process under Section 6 has been done and the investigation has been entrusted to it by the Central Government, that too only with the prior approval of the Central Government. The NIA Act, 2008 thus provides for two methods for investigation of Scheduled Offences under the Act, (i) Investigation by the NIA under Section 6 and (n) Investigation by the State Government under Section 7(b). Apart from these two methods of investigation, if provisions of Sections 6 and 7 are not applied and investigation is not entrusted to Agency, the regular investigation and prosecution is to continue, which has been provided under Section 10 to avoid stagnation of investigation and prosecution.

9. Counsel for the applicant has further submitted that the NIA Act, 2008 shall thus apply only when investigation of the Scheduled Offence has been conducted in pursuance of either Section 6 or Section 7 of the Act. There is no other method of investigation provided under the Act and without the investigation being entrusted to NIA and conducted under either Section 6 or Section 7, there cannot be applicability of the NIA Act, 2008 since the same is a sine qua non for the NIA Act to apply. This fact is further supported by the provisions of Section 10 which starts with saving clause, 'save as otherwise provided in the Act', saving the provisions/ action under Sections 6 and 7 of the Act, the powers of the State Government to investigate and prosecute any Scheduled Offence or other offences under any law for the time being in force remains unaffected. It thus follows that if the investigation is not conducted under Section 6 or 7 of the NIA Act, the State Government shall conduct a regular investigation and prosecution (under the Cr.P.C./BNSS) and such cases would naturally be tried before the regular court of jurisdiction and not before the special court under the NIA Act, since the NIA Act, 2008 would not be applicable in such cases which position is also evident from the fact that Section 10 saves the power of the State Government to investigate and prosecute all offences under any law for the time being in force and not only the Scheduled Offences under the NIA Act as "gravity of the offences" has been made the basis for consideration by the Central Government under Section 6(4) to entrust any investigation to NIA.

10. Counsel for the applicant has further submitted that the NIA Act, 2008

also provides for constitution of Special Court, by the Central Government under section 11 of the Act and by the State Government under section 22 of the Act. Section 22(4) provides for the transfer of cases being investigated by the State Government under the provisions of the Act, on designation of special court. It is submitted that Section 13 of the NIA Act further provides for the trial of scheduled offences investigated by the Agency, which re-establishes that the Special Courts would have jurisdiction over trial of scheduled offences only when the same are investigated by the 'Agency', as envisaged in the Act.

11. Counsel for the applicant has further submitted that the Patna High Court, while answering a reference, in the case of *Bahadur Kora Vs. State of Bihar (FB)*, 2015 Cri.LJ 2134, affirmed the scheme of NIA Act, 2008 holding that in case the investigation is not conducted under Section 6 or 7 of the NIA Act, 2008, such cases would not be tried before the Special Court under the NIA Act.

12. Counsel for the applicant has further submitted that in the case of *Bikramjit Singh Vs. State of Punjab*, (2020) 10 SCC 616, Hon'ble Supreme Court while considering the scope and jurisdiction of the NIA Court with regard to Scheduled Offences, drew a new category of offences which are not investigated by the NIA, but their trial being conferred upon such Special Court under the NIA Act, 2008 by virtue of the definition of the Court itself viz. Section 2(d) of the Unlawful Activities (Prevention) Act, 1967 (hereinafter referred as UAPA), that irrespective of the investigation agency trial is to be conducted by the Special Court under the NIA Act. The aforesaid decision was passed without considering the dictum in the case of *Bahadur Kora* (supra), but the law laid down therein except UAPA remained undisputed.

13. Counsel for the applicant has further submitted that judgement of the Bombay High Court rendered in the case of *Naser Bin Abu Bakr Yafai Vs. State of Maharashtra*, (2018) SCC OnLine Bom 2122 3081 was challenged before the Hon'ble Supreme Court and the Hon'ble Supreme Court affirmed the view taken by the Bombay High Court leaving no room for doubt in the case of *Naser Bin Abu Bakr Yafai Vs. State of Maharashtra*, (2022) 6 SCC 308. The Hon'ble Supreme Court while affirming the said judgment, considered the law laid down in the case of *Bikramjit Singh* (supra).

14. Counsel for the applicant has further submitted that with respect to the non-obstante clause occurring in Section 13 of the NIA Act, 2008, it is submitted that it overrides only the provisions of the Code (CrPC/ BNSS) but not the provisions of the NIA Act, 2008 rather the scheme of the Act with respect to Section 6 and 7 of NIA Act, 2008 remains intact. It is to say that unless the investigation of any scheduled offence is entrusted under Section 6 or Section 7 of the NIA Act, 2008 to the National Investigation Agency or to the State Agency, the provisions of Section 13 the NIA Act, 2008 will not apply and for such cases, Section 10 of the NIA Act, 2008 comes into play. Therefore, it is fallacious to assume that the trial of every scheduled offence has to be tried by the Special Court designated under Section 11 or 22 of the NIA Act, 2008. The twin conditions of offence being a Scheduled Offence, and investigated by the Agency are two separate and mandatory preconditions, which can't be done away with, in order to make it triable by the Special Court. It is further submitted that Section 10 of the NIA Act, 2008 vide its saving clause, saves the provisions of Section 6 and 7 of the NIA Act, 2008 and comes to the rescue in cases wherein the investigation is not found to be fit by the Central Government to be entrusted to the NIA or to the State Agency by the NIA, and in such cases legislature in its wisdom, so as to avoid the vacuum or stagnation in the process of investigation and prosecution has left it open for the State Government investigate and prosecute cases of scheduled offences. It is further established from bare perusal of section 6(3) and 6(4) of the NIA Act, which confers discretion upon the Central Government to decide in each and every cast, whether it is a fir case to be investigated by the Agency, depending upon the nature and gravity of the offence Thus, merely an offence being in schedule of the Act, doesn't confer that the same shall mandatorily be investigated and prosecuted under the scheme of the NIA Act, 2008.

15. In sum and substance, the submission of counsel for the applicant is that the provisions of NIA Act, 2008 will not extend to the present case, inasmuch as after registration of the FIR dated 27.09.2022, admittedly no report as contemplated under Section 6(1) NIA Act, 2008 was forwarded to the State Government. Consequently, the NIA was neither entrusted with the investigation of the instant case under Section 6(4) of the NIA Act, 2008 nor the investigation of the instant case was transferred to the

State Government under Section 7 of the NIA Act, 2008. After investigation, the charge-sheet dated 19.12.2022 in the case was filed before the Magistrate, whereupon the cognizance was taken on 22.12.2022. Thereafter, the applicants have been granted bail by this Court exercising powers under Section 439 Cr.P.C. vide orders dated 25.07.2024 passed in Criminal Misc. Bail Application Nos.2886 of 2023, 3070 of 2023 and 3071 of 2023, wherein also no objection regarding the maintainability was raised. In support of his contention, counsel for the applicant reliance upon the following judgements:-

1. *Bahadur Kora and others Vs. State of Bihar* (supra);
2. *Jagdish Singh Vs. State of Rajasthan*, 2016 (4) RLW 3464 (Raj.);
3. *Bail No.7249 of 2018, Uttam Shukla Vs. State of U.P.* decided on 26.02.2019;
4. *Bikramjeet Singh Vs. State of Punjab* (supra)
5. *Jaffar Sahiq Vs. State*, 2021 SCC OnLine Mad 2593;
6. *Naser Bin Abu Bakr Yafai Vs. State of Maharashtra*, (supra);
7. *Criminal Misc. Bail Application No.4506 of 2022, Bappan @ Arsad Miah Vs. A.T.S., U.P., Lucknow* decided on 31.05.2023;
8. *A.T.S. U.P. Vs. Bappan @ Arsad Miah* and *Bappan @ Arsad Miah Vs. A.T.S., U.P.* SLP (CrI.) No.600 of 2024 and SLP (CrI.) No.14129 of 2023;
9. *Salahuddin Vs. State of U.P.* (supra)
10. *Ashok Mutu Bharat Vs. State of Chhattisgarh*, 2024 SCC OnLine Chh. 495.

16. Sri Shiv Nath Tilhari, learned AGA while rebutting the submissions made by the counsel for the applicant has submitted that the impugned order dated 01.07.2025, which is a refusal order to discharge the applicant by the NIA Court, therefore, the question of maintainability is to be seen on the given facts that the case has been decided by the NIA Court. He has further submitted that this Court has considered the aspect of the maintainability of application under Section 482 Cr.P.C. in many cases. For the sake of convenience, Section 21(1) of the Act, 2008 is quoted below:-

“21. Appeals.

(1) Notwithstanding anything contained in the Code, an appeal shall lie from any judgment, sentence or order, not being an interlocutory order, of a Special Court to the High Court both on facts and on law.”

17. Learned AGA has further submitted that in the case of **Sallahuddin** (supra), the rejection of the application for seeking default bail under the NIA Act was challenged in an application under Section 482 Cr.P.C. and this Court passed an order that application under Section 482 Cr.P.C. is not maintainable against the rejection of bail application. The relevant portion of the judgement passed in the aforesaid case is quoted below:-

“ 23. In view of the above, this matter may be viewed from another perspective also. The impugned order rejecting the application seeking default bail was passed on 27.04.2022 by the learned Additional District & Sessions Judge-3/ Special Judge NIA/ATS, Lucknow. This Special Court was constituted under Section 22 of N.I.A. Act and as such the impugned order dated 27.04.2022 passed by the special court is appealable under Section 21(4) of N.I.A. Act which, for ready reference, is quoted herein below:-

"21 Appeals. -

(1) Notwithstanding anything contained in the Code, an appeal shall lie from any judgment, sentence or order, not being an interlocutory order, of a Special Court to the High Court both on facts and on law.

(2) Every appeal under sub-section (1) shall be heard by a Bench of two Judges of the High Court and shall, as far as possible, be disposed of within a period of three months from the date of admission of the appeal.

(3) Except as aforesaid, no appeal or revision shall lie to any court from any judgment, sentence or order including an interlocutory order of a Special Court.

(4) Notwithstanding anything contained in sub-section (3) of section 378 of the Code, an appeal shall lie to the High Court against an order of the Special Court granting or refusing bail.

(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."

24. Thus, on the basis of aforesaid, it can safely be said that rejection of application seeking default bail by Special Court vide order dated 27.04.2022 is an appealable order in view of the provisions contained in Section 21(4) N.I.A. Act.

25. In this view of matter also, this Court does not find the instant application to be maintainable.”

18. Learned AGA has further submitted that similar question was also raised in the case of **Ravindra Kumar** (supra), in which sub-section (4) of Section 21 of the Act, 2008 has been considered, wherein it is provided that an appeal shall lie to the High Court against an order of the Special Court granting or refusing bail. The term “interlocutory order” has also been considered in the said judgement of **Ravindra Kumar** (supra). The relevant paragraphs of the aforesaid judgement are quoted below:-

“12. The provision of statutory bail under Section 187(3) BNSS/167(2) Cr.P.C. is whether an interlocutory order or a final order. The test which could be applied, for an order, being interlocutory, intermediary or final, can be summarized in two folds; firstly that any such order, which substantially affects the right of the accused or parties, cannot be termed as an interlocutory order and secondly, any right, which accrue out of some statutory provisions, is also not an interlocutory order. Time and again, this issue has exhaustively been dealt with by the Apex Court starting from a three Judge Bench decision of the Hon'ble Apex Court in the case of Madhu Limaye Vs. the State of Maharashtra, reported in (1977) 4 SCC 551 wherein the ratio drawn in the case of Amar Nath and others Vs. State of Haryana and another, reported in (1977) 4 SCC 137 has partly been affirmed, holding that the term 'interlocutory order' as is used in Section 397 of the Cr.P.C. does not invariably mean the converse of the term of 'final order' and certain guidelines were provided to examine that a particular order is not an 'interlocutory order'.

13. Subsequently, the Apex Court in the case of V.C. Shukla Vs. State reported in 1980 Supp SCC 92, considering the ratio drawn in Amar Nath (supra) and Madhu Limaye (supra), has held that the intermediate, quasi final and final orders are revisable. In this view, the provision of statutory bail under Section 187(3) of BNSS is an intermediary order and the same is revisable, subject to any other provision provided in a special Act.

14. Coming to the crux of the issue of maintainability, it is apparent from the provision of Section 21(4) of the Act 2008 that an appeal shall lie to the High Court against an order of the Special Court granting or refusing bail, notwithstanding contained in Sub Section (3) of Section 378 of the Cr.P.C. This provision is overt in its mandate and while applying this provision in the present case, it is apparent that this does not speak regarding any difference of any kind of refusing or granting bail, meaning thereby that if the Special Court (NIA) grants or refuses the bail, the same is amenable to the provisions of the appeal, prescribed under Section 21 of the Act 2008 and, therefore, in presence of the obvious provisions, no otherwise definition can be given against the intent of the legislature. This Court is also aware of the trite law that a thing should be done in the manner prescribed under the statute, not otherwise. Admittedly, vide order dated 7.7.2025, the learned Special Judge (NIA) has rejected the default bail application of the applicant. Thus, against such order the remedy of appeal is provided under the Special Act, i.e., Act 2008.

15. Further this Court also noticed that the law referred by counsel for the applicant, which is rendered in case of Harendra Vs. State of U.P. and another (supra), is on different factual matrix and this will not apply to the facts and circumstances of the present case as the dispute in question in the above-said case was regarding completion of ninety days as the charge sheet was dispatched on the same day when

the application for default bail was moved, therefore, this will not cover the field of the issue in the instant matter.

16. Ergo, this Court is of the considered opinion that the instant application challenging the order dated 7.7.2025 passed by the Special Court (NIA) is not maintainable, thus, preliminary objection taken by counsel for the State; sustains.”

19. Learned AGA has further submitted that the offence under Section 121-A IPC falls under the category of Schedule Offence under VIII-A of the Schedule under the Act, 2008. The NIA Court deal with the Act, 2008, has issued summons and thereafter the applicants appeared and filed discharge application, which has been rejected. Section 21(1) of the Act, 2008 clearly indicates that an appeal shall lie from any judgement, sentence or order not being an interlocutory order of a Special Court to the High Court both on facts and law.

20. Learned AGA has further submitted that in the case of ***Sumit Kumar and others*** (supra), the summoning order as well as the charge sheet filed under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short “SC/ST Act”) was challenged and this Court passed a detailed order by observing that application under Section 482 Cr.P.C. filed by the applicants seeking quashing of the summoning order, charge sheet and the entire proceedings of the case under Sections 323, 504, 506 and 241 IPC and Section 3(1)(Da)(Dha) of SC/ST Act is not maintainable and the same was dismissed leaving it open to the applicants to avail statutory remedy under Section 14-A of the SC/ST Act. For ready reference, Section 14-A of the SC/ST Act is quoted below”-

“14-A. Appeals. (1) Notwithstanding anything contained in the Criminal Procedure Code, 1973 (2 of 1974), an appeal shall lie, from any judgment, sentence or order, not being an interlocutory order, of a Special Court or an Exclusive Special Court, to the High Court both on facts and on law.

(2) Notwithstanding anything contained in sub-section (3) of Section 378 of the Criminal Procedure Code, 1973 (2 of 1974), an appeal shall lie to the High Court against an order of the Special Court or the Exclusive Special Court granting or refusing bail.

(3) Notwithstanding anything contained in any other law for the time being in force, every appeal under this section shall be preferred within a period of ninety 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 ninety days if it is satisfied that the appellant had sufficient cause for not

preferring the appeal within the period of ninety days:

Provided further that no appeal shall be entertained after the expiry of the period of one hundred and eighty days.

(4) Every appeal preferred under sub-section (1) shall, as far as possible, be disposed of within a period of three months from the date of admission of the appeal.”

21. Heard learned counsel for the parties and perused the record.

22. The offence under Section 121-A IPC falls under the category of the Scheduled offence as specified in the Scheduled given in the NIA Act, 2008. The provisions of NIA Act, 2008 would be applicable in both cases either investigated by NIA or State Agency. For applicability of the Act, the requirement is that the offence should come in the category of scheduled offence. Section 2(1)(g) of the NIA Act, 2008 defines "Scheduled Offence" according to which an offence is specified in the schedule. The NIA Act, 2008 provides that the "Scheduled Offences" shall be investigated by the Agency. The meaning of "Agency" is defined in Section 2(a) of the NIA Act, 2008. According to Section 2(a) of the NIA Act, 2008, "Agency" means the National Investigation Agency. However, according to Section 22 sub-section (2), clause 2 "Agency" means the "Investigating Agency of the State Government".

23. Section 6 of the NIA Act, 2008 provides that on receipt of information under Section 154 of the Code relating to any scheduled offence, the Officer In-charge of the Police Station shall forward the report to the State Government forthwith. On receipt of the report under sub-section (1), the State Government shall forward the report to the Central Government as expeditiously as possible. On receipt of the report from State Government, the Central Government shall determine on the basis of the information made available by the State Government or received from other sources, within 15 days from the date of receipt of the report, whether the offence is a scheduled offence or not and also whether having regard to the gravity of the offence and other relevant factors, it is a fit case to be investigated by the agency. Where the Central Government is of the opinion that the offence is a scheduled offence and it is a fit case to be investigated by the agency, it shall direct the agency to investigate the said offence.

24. Sub-section (7) of Section 6 of the NIA Act, 2008 provides that for

removal of doubts, it is hereby declared that till the Agency take up the investigation of the case, it shall be the duty of the officer in-charge of the police station to continue the investigation. Further, Section 10 of the NIA Act, 2008 describes the power of the State Government to investigate the Scheduled Offences, which says that, save as otherwise provided in this Act, nothing contained in this Act shall affect the powers of the State Government to investigate and prosecute any Scheduled Offence or other offences under any law for the time being in force. It is relevant to be noted here that reading of Section 10 of the Act, 2008 clearly reveals that the State Government has independent power to investigate the Scheduled Offence.

25. Since the order has been passed by the Special Judge, NIA Act, therefore, an appeal would lie under Section 21(1) of the Act, 2008, hence the argument of counsel for the applicant that the NIA Act, 2008 is not applicable in the present case, is not sustainable. The applicability of the NIA Act, 2008 to the applicants can be seen only when the application under Section 482 Cr.P.C./528 BNSS is maintainable. Since the application under Section 482 Cr.P.C./528 BNSS is not maintainable against the summoning order and refusal order of discharge, this Court would not dwell upon the submission made by the counsel for the applicant that the Act, 2008 is not applicable.

26. In view of the aforesaid discussion, the application is *rejected as not maintainable* leaving it open to the applicant to seek remedy under Section 21(1) of the Act, 2008.

(Brij Raj Singh,J.)

March 20, 2026

Rao/-