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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of decision: 27th October, 2026.
Uploaded on: 29th October, 2026.

\# **CNR No. DLHC010197682026**

\+ **CRL.A. 461/2026**

ASADULLAH AKHTAR .....Appellant

Through: Ms. Warisha Farasat, Sr. Adv. with Ms. Suvarna Swain, Adv. (M: 90078 61884)

versus

NIA .....Respondent

Through: Ms. Shilpa Singh, SPP for NIA with Mr. Dhananjai Shekhawat, Mr. Archit Jain and Mr. Ashish Jindal, C/O in person.

CORAM:
JUSTICE PRATHIBA M. SINGH
JUSTICE DINESH BHATT

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.

2. The present appeal has been filed by the Appellant-Asadullah Akhtar under Section 21 of the National Investigation Agency, 2008, *inter alia*, assailing the order dated 2nd April, 2026 (hereinafter, *'impugned order'*) passed by the ld. Additional Sessions Judge-03, New Delhi District, Patiala House Courts, New Delhi. The case arises out of ***RC No. 06/2012/NIA/DLI***. *Vide* the impugned order, the application filed by the Appellant seeking regular bail has been dismissed

3. The grounds on which bail was sought by the Appellant are as under:

> *"a. Prolong incarceration without speedy trial;*
> *b. Charges against accused do not survive because accused is already tried for offences arising out*

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of same facts;

c. *No prima facie case;*

d. *Evidence relied upon to show conspiracy for terrorist act is inadmissible.*"

4. The Trial Court came to the conclusion that the Appellant has been charged with the offences under Sections 18, 38(2) 39(2) of the Unlawful Activities (Prevention) Act, 1967 (hereinafter, '*UAPA*') and Sections 121 and 122 of the Indian Penal Code, 1860 (hereinafter, '*IPC*'). The Trial Court also held that the charges have already been framed and submissions made by the Appellant were rejected.

5. On the ground of prolonged incarceration, the Trial Court observed that the trial has started and as on date, there are various co-accused persons, who have already been charge-sheeted. The Trial Court also considered various factors in the delay of the trial. The Trial Court after considering all the factors observed as under:

> *"21. Above-mentioned facts revealed that this case had chequered history. The facts which led to registration of FIR, demanded extensive investigation with respect to linking accused persons with various terrorist incidents, which had taken place in different states in India. There were many accused persons whose roles had to be identified based on collection of evidence. Record of this case is voluminous and lengthy. There were administrative issues regarding of production of accused persons from different states. As such, one cannot shut his eyes from said facts. If that is so, then delay, as alleged by accused, in trial in present case was inevitable. Said delay was not without any reason. Said delay was based on reasons, beyond the control of this court.*
>
> *22. Certain accused persons as noted above, had pleaded guilty for the offences with which they were*

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charged. It is a relevant fact which only supports prosecution for the purpose of decision.

23. Accused herein, was convicted and death sentence is passed against him in Hyderabad twin blast NIA cases. It is another relevant fact which helps the cause of prosecution, for the purpose of decision of present bail application.

24. Further, if this case was based on large scale complex criminal conspiracy, then what can one do. If there were multiple accused persons involved in this case, then what can one do. If said accused persons were arrested on different dates, then what can one do. If this case required extensive investigation than it had to be done. If accused in this case was involved in other criminal matters which are serious in nature, attracting the provisions of UA(P)A then he had to face trial in those matters. If those matters are in different States, then accused had to appear in those States in the concerned courts. The fact that accused was convicted and death penalty was awarded to him by the concerned court in Hyderabad twin blast NIA cases, only indicated that he was arrested in those cases for some reasons. The judgment of conviction only validated the stand of prosecution. Based on said facts, it cannot be concluded that delay in trial in present case had prejudiced the accused. He is not prejudiced, as he was involved in other criminal matters, which had to be adjudicated as per law, for which his presence in the said courts was required. If in the process, this case got delayed, then it cannot be said that accused was unnecessarily lodged in jail, all this while.

25. In the wake of above-mentioned appreciation and conclusion, it is clear that incarceration of more than 12 years of accused, by itself cannot be made the basis to grant bail to accused."

6. In view of the above reasoning, the Trial Court rejected the application filed by the Appellant seeking regular bail.

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7. Ms. Farasat, ld. Senior Counsel appearing for the Appellant has made some submissions in this matter. Ms. Shilpa Singh, ld. SPP appearing for the NIA has also made her submissions.

8. One noticeable feature in this case is that the Appellant has already been convicted in ***SPL. SC. No. 01/2015*** arising out of ***RC No. 01 & 02/NIA/HYD*** under Sections 120B read with Sections 302/121/302 of the IPC, Sections 121-A/122/307/316 read with Sections 34/436 read with Sections 34/201/466 read with Sections 109/474 read with Section 109 of the IPC, Sections 3(b)/5 of the Explosive Substances Act, 1908, Sections 16/17/18/19 of the UAPA, Section 4 of the Prevention of Damage to Public Property Act, 1984 read with Section 34 IPC. The Appellant has been awarded death sentence along with fine by the Special Judge, Ranga Reddy District, Hyderabad, Telangana under the National Investigation Agency Act, 2008, on 19th December, 2016.

9. The judgment dated 19th December, 2016 was challenged before the High Court of Telangana in ***CRLA No.1299/2016 titled 'Asadullah Akhtar v. The State of Telangana'***, however, the same was dismissed *vide* order dated 8th April, 2025.

10. The order dated 8th April, 2025 was challenged before the Supreme Court and the appeal is pending consideration in ***Criminal Appeal No(s). 4788-4789/2025 titled 'Asadullah Akhter @ Haddi @ Tabrez @ Danial @ Asad v. State of Telangana'***. The Supreme Court *vide* order dated 25th September, 2025 had directed as under:

> *"3. There shall be stay of execution of the death sentence of the appellant."*

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11. As can be seen from the above, the execution of the death sentence has been stayed. However, conviction continues to stand against the Appellant.

12. The Court has put to Ms. Farasat, ld. Senior Counsel that in view of this conviction and death sentence already passed against the Appellant, the case of regular bail in the present appeal would not be made out as the Appellant does not satisfy the conditions for grant of bail.

13. Ms. Farasat, ld. Senior Counsel fairly submits that at this stage she wishes to withdraw the present appeal with liberty to approach the Court at the appropriate stage, if the conviction is set aside.

14. Accordingly, the appeal is dismissed as withdrawn with liberty as prayed for.

PRATHIBA M. SINGH
JUDGE

DINESH BHATT
JUDGE

OCTOBER 27, 2026/*dk/ck*

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