

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGSSUO MOTO WRIT PETITION (CRIMINAL) No(s). 1/2026

IN RE: CREATION OF SPECIAL EXCLUSIVE COURTS

(IA No. 203401/2026 - EXEMPTION FROM FILING O.T., IA No. 199293/2026 - EXEMPTION FROM FILING O.T., IA No. 192429/2026 - EXEMPTION FROM FILING O.T., IA No. 177513/2026 - EXTENSION OF TIME and IA No. 177448/2026 - INTERVENTION APPLICATION)

Date : 07-09-2026 This matter was called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE JOYMALYA BAGCHI
HON'BLE MRS. JUSTICE V. MOHANA

For Petitioner(s) : By Courts Motion

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UPON hearing the counsel the Court made the following

O R D E R

1. The first issue in these proceedings pertains to the establishment of sufficient Special Courts under the National Investigation Agency Act, 2008 (for short, the "NIA Act") for the purpose of trial of cases under Section 11 of the said Act. Keeping in mind the stringent conditions for grant of bail in the cases tried under the said provision, this Court, vide previous orders has impressed upon the Government of India to establish exclusive Special Courts for trial of offences on a day-to-day basis to ensure that every trial gets concluded within a maximum period of one year.

2. With the proactive support of the Government of India and the State Governments/Union Territory Administrations as well as the timely initiative taken by the jurisdictional High Courts, the object of passing these orders has been largely achieved. Most of the States having over 10 cases under Section 11 of the NIA Act have established exclusive Special Courts for trial of such cases. They have also kept in mind that not more than 10-12 cases be entrusted to one court, so as to ensure that trial is concluded in a time-bound manner. Some of the States have already established the requisite Courts, as is evident from the status report filed by the NIA. However, there are some States where requisite Courts have not yet been established. The status in relation thereto is as follows:

(a) The learned Advocate General for the State of Karnataka has

entered appearance online. He submits that three exclusive Special Courts at Bengaluru, Chikkamagaluru, and Udupi are being set up very soon and are likely to be notified within two weeks;

- (b) The learned Standing Counsel representing Kerala states that two exclusive Special Courts are in the process of being established, and given one month's time, the same shall become operational. Though the learned counsel appearing for the Kerala High Court though seeks more time, we decline to grant additional time beyond four weeks. Let the Courts be established and notified within the said period;
- (c) The learned counsel appearing for the State of Tamil Nadu states that two exclusive Special Courts are being set up, out of which, one has already become operational and the other Court will also become operational within two weeks;
- (d) As regards the State of Telangana, we have conveyed to the learned counsel representing the Telangana High Court that one exclusive Court is required to be established keeping in view that there are thirteen cases pending in the State. Let the said Court be established by the State Government in concurrence with the High Court within a period of two weeks. Meanwhile, learned Advocate General for the State

submits that one Special Court is already functional. If that is so, an affidavit containing details of the said Court, showcasing that the same is operating in consonance with the directions of this Court, shall be filed within two weeks;

(e) The learned counsel for the State of Assam informs that one Court has since been notified and has become functional. He further informs that two more Courts are under consideration for being set up. We direct the State of Assam, in coordination with the jurisdictional High Court, to expedite the pending proposal and do the needful within four weeks.

(f) The learned counsel for the UT of Jammu and Kashmir acknowledges that, keeping in view the pendency of forty-seven cases, four exclusive Courts are required to be set up, whereas only one Court has so far been notified. He undertakes that two more Courts will become functional to exclusively try NIA cases on a day-to-day basis. Let the UT of Jammu and Kashmir submit a proposal for establishment of additional Special Courts as may be required keeping in view the total pendency of cases.

(g) Mr. Jaideep Gupta, learned senior counsel representing the Calcutta High Court, informs that there are actually fifty cases under Section 11 of the NIA Act pending in the State

of West Bengal, not twenty-one, as depicted in the chart filed by the NIA. If that is so, it is obvious that five exclusive Special Courts are required to be set up in the State of West Bengal. Presently, only two such Courts are functioning. We, consequently, direct the Union of India and the State of West Bengal to take necessary steps for the establishment of three more exclusive Courts for NIA cases and file a compliance report.

- (h) The learned counsel for the State of Uttarakhand informs that though one Court has been designated to try NIA cases, as of now, there is no case pending in the State.
- (i) The learned counsel for the State of Uttar Pradesh informs that there are only four cases under Section 11 of the NIA Act pending in the State, and one exclusive Court is already functional.
- (j) The learned Advocate General for the State of Bihar informs that there are sixteen cases pending under Section 11 of the NIA Act, and two Special Exclusive Courts have already been established to try the same.
- (k) The learned Advocate General for the State of Odisha informs that there are 463 cases under the Unlawful Activities (Prevention) Act, 1967 (UAPA), out of which only five cases pertain to Section 11 of the NIA Act. For the

said five cases, one exclusive Special Court appears to be sufficient. Let the High Court, in consultation with the State Government, take necessary steps to establish that Court within four weeks.

3. Similarly, with reference to the directions issued by this Court for the establishment of Exclusive Special Courts for trial of NDPS cases, the Union of India has filed an affidavit, according to which a revised figure of 449 exclusive Courts have been identified to be established. The details of these Courts, State-wise and location-wise, have also been given in a tabulated form in the status report filed on behalf of the Union of India. That report and the said table are taken as part of this oral order.

4. The information given in the tabulated form further points out that 176 exclusive Courts are presently operational.

5. It seems to us that, owing to the current pendency of cases under the NDPS Act and an unfortunate alarming increase in offences under that Act on a pan-India basis, it is expedient and in the interest of justice that the requisite Courts, i.e., 449 exclusive NDPS Courts, are established at the earliest. We direct the Union of India and all the State Governments/Union Territory Administrations to take necessary steps for the purpose of providing/creating of infrastructure as well as appointment of necessary staff, so that such Courts shall be established as early as possible and preferably within six weeks.

6. Post this matter for further consideration on 12.10.2026.

(NITIN TALREJA)

(PREETHI DILEEP KUMAR)

