

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.130 of 2025

Arising Out of PS. Case No.-31 Year-2022 Thana- NIA District- Patna

=====

Nooruddin Jangi @ Advocate Nooruddin S/O Late Md. Mouddin @
Mohiuddin @ Late Md. Mohiddin R/o Muhalla Urdu Bazar, Sher Mohammad
Gali, P.S.- Laheriasarai, Distt.- Darbhanga. Petitioner/s
Versus

The Union of India through National Investigation Agency Patna
... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Tahir, Advocate (Virtual Mode)
Mr. Navneet Prabhakar, Advocate
Mr. Sunil Kumar Singh, Advocate
Mr. Pankaj Kumar Das, Advocate
Mr. Nilmani Raj, Advocate
For the Respondent/s : Mr. Dr. Krishna Nandan Singh (A.S.G)
Mr. Arvind Kumar, Spl.P.P., NIA
Shivaditya Dhari Sinha, Adv.
Mr. Paritosh Parimal, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
and
HONOURABLE MR. JUSTICE SOURENDRA PANDEY
CAV JUDGMENT
(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

Date : 28-08-2025

The petitioner has invoked the extraordinary writ jurisdiction of this Court under Article 226 of the Constitution of India as also the jurisdiction of the Court under Article 227 to quash and cancel the order dated 20.04.2024 (Annexure-P/3) passed by the learned Special Court of NIA, Patna whereby and whereunder the learned court has been pleased to reject the discharge application of the petitioner filed under Section 227 of the Code of Criminal Procedure (in short 'CrPC') (as existed prior to its repeal). The petitioner is seeking discharge in connection with Special Case No.7 of 2022 arising out of NIA Case No.R.C.



No.31 of 2022 in connection with Phulwarisharif P.S. Case No.827 of 2022, subsequently re-registered as NIA FIR No. RC 31/2022/NIA/DLI dated 22.07.2022 for the offences punishable under Sections 120, 120B, 121, 121A, 153, 153B/34 of the Indian Penal Code (in short 'IPC') and Sections 13, 18, 18A, 18B and 20 of the Unlawful Activities (Prevention) Act, 1967 (in short 'UAPA Act'). It is his submission that the application seeking discharge filed under Section 227 CrPC before the learned trial court be allowed.

2. From the prosecution story as stated in paragraph '4' of the writ petition as also from the narration of facts present in the impugned order, it is noticed that on 12.07.2022 the Police Inspector-cum-Police Station Incharge, Phulwarisharif recorded his written statement wherein he alleged that on 11.07.2022 at around 19.30 hours he received secret information that some persons are gathered in his jurisdiction to create disturbance during Patna visit of the Prime Minister of India and they were being trained for this incidence since last 15 days. On the said information, a team was constituted which proceeded towards Ahmad Palace Naya Tola. It was found that some unknown persons were conducting meeting at second floor of the Ahmad Palace from last two months and a meeting had also been



conducted on 6-7th July. A search was conducted in the premises in presence of two independent witnesses. Police recovered 5 set of document titled “India 2047 Towards Rule of Islamic India, Internal Document; not for circulation”, 25 Pamphlets of Popular Front of India 20th February 2021 written in Hindi and 30 Pamphlets in Urdu were recovered beneath the mattress, 49 pieces of red flags kept in a bag under the Chauki was also recovered. Apart from that 2 booklets and a copy of non-judicial stamp containing typed rent agreement was also recovered. In course of interrogation, police gathered that Athar Parvej was developing an organization to take revenge of atrocities being done against the Muslim communities upon instruction received by the P.F.I. party and he was planning to counter attack for this purpose. Athar Parvej allegedly named 23 persons and termed them as his active associate for his mission. So far as role of this petitioner is concerned, it has come in the various paragraphs of the charge-sheet that he was associated with banned organization P.F.I. and his role was more than that of an advocate.

3. Paragraph 17.8 and 17.9 of the charge-sheet are being reproduced hereunder:-

“17.8 During the course of investigation, the seizure made by NIA during searches on 28.07.2022 at 09 places and on 08.09.2022 at 20 places/ premises of accused parsons and suspects



including the premises of FIR named accused persons namely Athar Parvej (A-1), Nooruddin Zangi @ Advocate Nooruddin(A-19), Arman Malick(A-25), Sanaullah (A-5), Riyaz Moarif (A-4) and Tausif Hussain @ Tausif Alam (A-6) were analysed for collecting the evidences against the arrested accused persons unearth the larger conspiracy in the instant case.

17.9 Investigation brought out that during the scrutiny of seized document "One White Colour "2020" diary from the house search of accused Tausif Alam @ Tausif Husseini (A-6) S/o Abdul Manan R/o Makiya, PS-Benipatti, Distt-Madhubani,, Bihar revealed that training was organised by PFI. The contents of the seized document revealed that the training was imparted to the PE cadres and the refresher courses were organised for the PE instructors. The seized documents confirmed the association of accused Nooruddin Zangi @ Advocate Nooruddin (A-19) with Popular Front of India and his involvement in the criminal conspiracy in the instant case with other co-accused persons in recruitment and training to achieve the common object. The seized documents from the house search of accused Nooruddin Zangi @ Advocate Nooruddin (A-19) also confirmed his association with Popular Front of India.”

4. Learned counsel for the petitioner submits that in this case there is no iota of evidence on the record to connect the petitioner of the offences under Sections 121, 121A and 122 of IPC. It is also submitted that there is no evidence at all which can fit into the ingredient of Section 15 of the UAPA Act. The allegation against the petitioner is that he was providing legal assistance to the P.F.I. and taken interview of some beneficiaries



which would not constitute any offence. Learned counsel has relied upon the judgment of the Hon'ble Supreme Court in the case of **Sajjan Kumar Vs. Central Bureau of Investigation (2010) 9 SCC 368** to submit before this Court that at the stage of Section 227 and 228 CrPC the Court is required to evaluate the material and documents on record with a view to find out if the facts emerging therefrom taken at their face value discloses the existence of all the ingredients constitute the alleged offence. It is pointed out that if two views are possible and one of them gives rise to suspicion only, as distinguished from grave suspicion, the trial judge will be empowered to discharge the accused and at this stage, the Court is not to see whether the trial will end in conviction or acquittal.

5. Learned counsel has further submitted that the learned Special Judge has erroneously relied on certain materials which are produced with the charge-sheet to make bedrock to deny the relief to the petitioner. It is his submission that none of those materials would qualify to the charges levelled against the petitioner in this case. In paragraph '15' of the writ petition the petitioner has pointed out certain facts and material which according to him would not qualify to charge the petitioner. Those are as under:-



“a. Petitioner is the state committee member of NCHRO and legal in-charge of PFI, whereas the fact is NCHRO is a Human right organization, and extent legal assistance to PFI, and in no stretch of imagination it constitute any offence under any law.

b. PFI letterhead found in the Mobile phone of petitioner and learned trial court opined that no advocate use the letter head of the client in such manner, whereas fact is it is regular practice for the printing any content client used to forward their letter head to their advocate, and content and purpose of letter head is very important before implicating any professional into such grave offences, which learned trial court fails to appreciate.

c. Name of petitioner found in the diary of one the co-accused, this is common allegation against the PFI organization that they used to organize legal awareness camps, and it is also available in the record that petitioner has the proximity with the PFI for the legal work, they it is natural petitioner must have address such legal awareness camp, other than this petitioner has no relation with any dispensation, and such activity and association doesn't constitute any of alleged offences.

d. Another allegation levelled against the petitioner and learned trial court considered in the favour of NIA that petitioner has taken the interview of scholarship seeker's students and such act considered as recruitment of members of organization, which is perverse and illegal, whereas the fact is alleged organization was primarily involve in the social activities in this process they do lot of empowerment



work and petitioner has consciously involve in only those selective works which match with his professional competency and skill, during that period when organization was lawfully, such association for whatever bonafide reason doesn't translate to any offence.”

6. In course of submissions, learned counsel for the petitioner has further submitted that the P.F.I. was not declared a terrorist organization and there is no notification under Section 35 of the UAPA Act. It is also submitted that the P.F.I. organization was banned by issuing a notification under Section 3 of the UAPA Act on the ground that it is an unlawful association. An unlawful association has been defined under Section 2(p) of UAPA Act and in terms of sub-clause (ii) of clause (p) of Section 2 an unlawful association means any association which has for its object any activity which is punishable under section 153A or section 153B of the Indian Penal Code, or which encourages or aids persons to undertake any such activity, or of which the members undertake any such activity. Provided that nothing contained in sub-clause (ii) shall apply to the State of Jammu and Kashmir.

7. Learned counsel has relied upon the judgments of the Hon'ble Supreme Court in the case of **Laxmipat Choraria and Ors. Vs. State of Maharashtra** reported in **AIR 1968 SC 938**, **Vernon Vs. The State of Maharashtra (2023) 15 SCC 56**,



Hitendra Vishnu Thakur and Ors. Vs. State of Maharashtra and Ors. (1994) 4 SCC 602 and a judgment of the Hon'ble Calcutta High Court (**Central Bureau of Investigation VS. Mrinmony Chandra**) reported in **2024 SCC OnLine Cal 944**. It is submitted that in the case of Vernon (supra), the Hon'ble Supreme Court has held that mere possession of the literature, even if the content thereof inspires or propagates violence, by itself cannot constitute any of the offences within Chapters IV and VI of the UAPA. In the said case, the accused-appellant was granted bail after observing that mere holding of certain literatures through which violent acts may be propagated would not ipso facto attract the provisions of Section 15(1)(b) of the UAPA and since there was no credible evidence of commission of any terrorist act or enter into conspiracy to do so to invoke the provisions of Section 43D(5) of the UAPA, the accused was entitled to bail. In the said judgment, the Hon'ble Supreme Court has also relied upon the earlier judgments in the case of Hitendra Vishnu Thakur (supra) to take a view that in the said judgment the manner in which stringent provisions of a statute ought to be interpreted has been laid down. The Court has observed that the Court ought to carefully examine every case, before making an assessment if the Act would apply or not. When the statutes have stringent



provisions the duty of the Court would be more onerous. Graver the offence, greater should be the care taken to see that the offence would fall within the four corners of the Act. Learned counsel submits the same principle would apply in the present case.

8. It is submitted that in the case of Laxmipat Choraria (supra), the Hon'ble Supreme Court has considered the admissibility of the evidence of a self-confessed criminal as a witness. In the said case one Ethyl Wong was examined as a witness who had given a graphic account of the conspiracy and the parts played by the accused and her own share in the transactions. In that context, the Hon'ble Supreme Court considered and held that the case of an accomplice evidence is different and Section 337 of the Code of Criminal Procedure has already been held not to offend Article 14. In fact, the Hon'ble Supreme Court held that there was no breach of the Constitution in receiving Ethyl Wong's evidence.

9. Opposing the contention of learned counsel for the petitioner, Dr. K. N. Siongh, learned ASG has submitted that the recovery of the document "India 2047 towards Rule of Islam In India" will read against the accused-petitioner as he was associated with the PFI and was involved in criminal conspiracy with intention to carry out violence, acts of terror to create in



atmosphere of terror and insecurity, endangering the unity and integrity of the Nation, hatched by the accused persons. It is submitted that recovery of documents from the house of Taushif Hussain @ Taushif would prove the association of accused – petitioner with the PFI and his involvement in the criminal conspiracy of this case with other co-accused persons in recruitment and training of PFI cadres. Scrutiny reports of the extracted data of mobile phone of the accused petitioner (ExhibitD-181) will prove that the accused was associated with PFI and his involvement in the activities. CDR of Mobile number of the accused-petitioner will prove the association of the accused with arrested accused persons and absconding FIR named accused persons of PFI in his criminal conspiracy.

10. Learned ASG points out that the statement of Canara Bank of the petitioner will prove that the transactions were made in the bank account of the petitioner including the accused persons from canara bank account of the PFI or activities of the PFI and amounts were transferred from senior members of the PFI as well as PFI account. It is submitted that the statement of protected witness “Z” will prove the larger conspiracy of PFI. He will further prove that the accused Nooruddin Zangi was associated with co-accused persons of PFI in the criminal conspiracy. Likewise the



statement of the witnesses Sohail (W-19), Gulam Sarver (W-30) and Hamidul Azad (W-41) would prove the involvement of accused-petitioner in recruitment in PFI by providing a scholarship.

11. Learned ASG further submits that the learned trial court has duly considered the every aspects of the matter and has rejected the application seeking discharge of the petitioner on cogent grounds.

12. Having heard learned counsel for the petitioner and learned ASG for the NIA as also on going through the pleadings available on the record, we find at first instance that the application seeking discharge filed under Section 227 of the CrPC has not been enclosed with the writ petition, therefore, the grounds raised in the discharge petition are not before this Court.

13. In such circumstances, we have gathered from the impugned order of the learned trial court that the submissions made on behalf of the petitioner are mainly as follows:-

(i) That the allegations against the petitioner are based on a false narrative having no substance and aimed to be sustained on the basis of planted documents (ii) the alleged recovery of document in question is a staged event created by making police personnel as witnesses, whereas the signature of accused no.1 (on



the seizure list) was taken forcefully after two days (iii) The PFI is an organization actively involved in nation building and guided by its quest for empowering the most backward sections of the society but by a pick and choose approach false narrative was built up against him since 2016, (iv) There is no iota of evidence to make out the case under Section 15 of the UAPA Act and the allegation that the petitioner provided legal assistance to PFI and involved some of the beneficiaries does not constitute any offence.

14. The learned trial court has recorded its opinion in paragraph '9' to '19' of the impugned order. It has been observed that the role of the petitioner in the prescribed organization PFI appears to be more than that of a legal advisor. His involvement in the organization as a recruiter and trainer of the cadres certainly makes out a strong prima facie case against him. The learned trial court has also taken note of the scientific analysis of data of his mobile phone from which he appears to be actively associated with the organization, participated in the protest under the banner of PFI and he also carried the images of letterheads of PFI which also had its signature. The defence taken by the petitioner that he was a merely legal advisor of PFI has been rejected on the ground that the same appears to be flimsy in light of recovery of such images of PFI letterheads in his mobile phones, for an advocate cannot be



expected to utilize the letterheads of his client. The trial court has taken note of the materials collected in course of search of the house of Taushif Alam (A-6).

15. In the kind of materials present on the record which have been fully discussed in the impugned order of the learned trial court, we find no reason to take any other view at this stage. The trial has already begun. This Court has noticed at this stage that paragraph ‘35’ of the judgment in Laxmipat Choraria, the Vernon’s case and Hitendra Vishnu Thakur and others are not at all applicable in the present case at this stage.

16. We refrain from making any observation on the evidences available on the record.

17. This writ petition has no merit. It is dismissed.

(Rajeev Ranjan Prasad, J)

(Sourendra Pandey, J)

arvind/-

AFR/NAFR	
CAV DATE	25.08.2025
Uploading Date	28.08.2025
Transmission Date	28.08.2025

