IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (DB) No.1580 of 2025

Arising Out of PS. Case No.-31 Year-2022 Thana- NIA District- Patna
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Sajjad Alam @ Md. Sajjad Alam S/o- Md. Faruk Village- Kuawa Kunawa PS- Chakia PO- Kuawa Distt- East Champaran

... ... Appellant

Versus

1. The Union of India through Ministry of Home Affairs New Delhi
2. The National Investigation Agency (NIA), CGO Comples, Lodihi Road, New Delhi New Delhi
3. The Director General, NIA, CGO Complex, Lodi Road, New Delhi New Delhi

... ... Respondents
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Appearance :

For the Appellant	:	Md. Thahir, Advocate Mr. Navneet Prabhakar, Advocate Mr. Kundan Kumar Ojha, Advocate Ms. Sadhna Parasher, Advocate Ms. Megha Singh, Advocate
For the NIA	:	Dr. K.N.Singh (A.S.G.) Mr. Arvind Kumar, Advocate Mr. Paritosh Parimal, Advocate Mr. Shivaditya Dhari Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
and
HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

Date : 22-07-2026

This appeal has been preferred for setting aside the order dated 10.10.2025 passed by learned Special Court (NIA Cases), Patna in Special Case No. 13 of 2023 arising out of RC/31/2022/NIA/DLI. By the order under appeal (hereinafter referred to as the 'impugned order'), the application preferred by the appellant under Section 439 of the Code of Criminal Procedure (in short 'CrPC') for regular bail has been rejected.

Prosecution Case

2. The petitioner is an accused in RC/31/2022. The prosecution story as per the First Information Report giving rise to Phulwarisharif P.S. Case No. 827 of 2022 dated 12.07.2022 re-registered as NIA FIR No. RC/31/2022/NIA/DLI is as under:-

"The prosecution case is based on a self-written statement dated 12.07.2022 of the Inspector of Police-cum-Officer-in-Charge of Phulwarisharif Police Station, Patna. In the written report, the informant has alleged that on 11.07.2022, at about 7:30 PM, he got a secret information that some miscreants are planning to do some occurrence during the proposed Patna visit of the Prime Minister of India, they are doing training for a fortnight for this purpose. On this information, the Officer-in-Charge of Phulwarisharif Police Station brought it to the notice of the senior officers. The senior officers constituted a team of police officers and with the said team, the Officer-in-Charge/informant reached 'Ahmed Palace' situated in Naya Tola Nahar under Phulwarisharif Police Station. On reaching there and in course of verification, it came to his notice that some unknown persons are holding meeting on the second floor of the 'Ahmed Palace' during last two months and visit of unknown persons are frequent there.

The informant came to know that during 6th-7th July also, a meeting had taken place in which some doubtful people had come.

It is alleged that as the informant was conducting the verification, in the meantime, Md. Jalaluddin and Athar Parvez, the owner of ‘Ahmed Palace’, came there. In their presence and in presence of two independent witnesses, when the second floor of ‘Ahmed Palace’ was searched, in course of search from a room, he found a literature, namely, ‘India 2047 towards Rule of Islamic India, Internal Document not for circulation’ which was in seven pages and there were five copies of the same. In search, thirty pamphlets written in Urdu and twenty five pamphlets written in Hindi of Popular Front of India, 20 February 2021, forty nine flags made of clothes, red, green and white bearing blue colour star on the flag, booklets printed in Urdu were found. The search team also found thirty chairs placed in the big hall and on a table, photocopy of lease deed on a non-judicial stamp paper, showing the name of house owner of Farhat Bano, wife of Jalaluddin and the name of lessee as Athar Parvez, son of Abdul Qayum Ansari was found. The house owner informed that the second floor of the building was taken by Athar Parvez for purpose of giving training and training was provided on 6-7 July 2022 in which people from other states had come and several doubtful person had also received training there. Athar Parvez, however, denied but when the police enquired from him in presence of Jalaluddin and local people, he told them that he was an active member of SIMI organization and after the SIMI organization was banned and the members of the same were in jail, he was providing them legal help. He informed that at present he was District General Secretary of SDPI party. He disclosed that the *parcha*, flags and the booklets are of Popular Front of India (in short 'PFI'). At the instance of the PFI, he is adding the former members of SIMI with this party and is establishing a secret organization. He disclosed that the main object of the organization is to take revenge against the atrocities upon Muslims and whosoever makes comment or abuses Islam religion, he is targeted and attacked. Recently, Nupur Sharma had said wrong against the religion, against her steps are being taken to take the revenge. For this reason, revenge had been taken in Amravati in Maharashtra and Udaipur in Rajasthan. He further disclosed that in this planning, other persons are also actively participating with him. He named twenty five other persons who were members of the PFI in different areas and were conducting the activities of the PFI. He disclosed that there are other people whom he identifies by face and all of them could come and get training here and they are motivated to raise their voice and unleash war against a particular community of the local society.

The Officer-in-Charge conducted a raid in the house of Athar Parvez in Mohalla, Gulistan from where a bag containing red, green and white colour flags inscribed with a blue colour star on the flag and copy of the lease deed were found. From the bag, the documents known as India 2047 towards rule of Islamic India, Internal document not for circulation and other documents were also found. The contents of the documents India 2047 towards Rule of Islamic India has been mentioned in the FIR which is being reproduced as under:

> "… Popular Front of India (PFI) is confident that even if 10% of total Muslim population rally behind it, PFI would subjugate the coward majority community to their knees and being back the glory of Islam in India.
>
> External Help
>
> In the scenario of full-fledged show down with the State, apart from relying on ours trained PE cadres, we would need held from friendly Islamic countries. In the last few years, PFI has developed friendly relationship with Turkey, a flag-bearer of Islam. Efforts are on to cultivate reliable friendship in some other Islamic countries"

Submissions on behalf of the Appellant

3. It appears from the pleadings and submissions on behalf of the appellant that the appellant is accused no. 39 who is facing trial for the offences committed under Sections 17, 18 and

18A of the Unlawful Activities (Prevention) Act (in short 'UA (P) Act'), 1967. It is stated that the appellant has been chargesheeted vide second supplementary chargesheet for his alleged links in sending money to accused no. 30 who had links with Chakia Module. The appellant had allegedly communicated telephonically with some accused persons and was acquainted with accused no. 33 in the abroad who facilitated funds.

4. A copy of the chargesheet filed against the appellant is available on the record as Annexure 'P/2'. Attention of this Court has been drawn towards paragraphs '17.35' and '17.36' of the chargesheet. It is stated that the Canara Bank account of this appellant revealed suspicious transactions in form of cash deposits in the name of Sinan (A-31) and Sarfaraz Nawaz (A-32). In a tabular chart, the amount credited and deposited in the Canara bank account of the appellant has been shown.

5. It is stated in paragraphs '17.37' and '17.38' of the chargesheet that this appellant was in association with the accused persons and his involvement in the criminal conspiracy has been found in course of investigation. Money received from Reyaz Moarif @ Babu (A-4) and other accused persons, namely, Tausif Hussain @ Tausif Alam (A-6), Md. Ansarul Haque (A-21), Md. Tanveer Barkati (A-28), Md. Irshad (A-36) and Md. Belal @

Irshad (A-30) have been shown in a tabular chart. In sum and substance, the allegation against this appellant is that this appellant was facilitating supply of funds from UAE which was meant for the accused persons who were running Motihari Module of PFI for furthering criminal/unlawful activities of PFI after its ban by the Central Government.

6. During investigation, the Investigating Agency has seized cash deposit slips of various dates from Senior Manager, Canara Bank, Bantwal, District-South Kannada, Karnataka and cash deposit slips from Branch Manager, Canara Bank, Panemanglore, District-South Kannada, Karnataka from which it is found that Sarfaraz Nawaz had deposited cash in the Canara Bank account of this appellant using the credentials of Md. Sinan. It is stated that the transactions made in the account of the appellant by Rafeek M (A-34) establishes the channelization of illegal funds of bank account of A-39. Two diaries seized from the house search of Sarfaraz Nawaz (A-32) on 05.03.2022 established the details of date wise funds deposited in the Canara Bank account of this appellant. It has also come that on the direction of Reyaz Moarif (A-4), this appellant and some other accused, namely, Yaqub Khan (A-27), Md. Belal @ Irshad (A-30), Md. Tanweer Barkati (A-28) had gone to Aurai, Muzaffarpur for Basic Course (BC), training of

PFI. In paragraph '17.47' and '17.48', it has come that this appellant was enrolled in PFI with co-accused persons by Riyaz Moarif. He had participated in the training at Purnea, Bihar which were organised in secret manner. This appellant went to Dubai UAE under visiting Visa and while living in Dubai he remained connected with PFI in Bihar through Whatsapp and social media. In September, 2022, the Government of India banned PFI, therefore, it had become difficult to collect funds for training and other activities related to the organisation. This appellant contacted Iqbal (A-33) resident of Karnataka whose syndicate was active in Dubai and Karnataka and Kerala. This appellant collected funds in Dubai and transferred illegal funds to his Canara Bank account, Chakia Branch through syndicate member Sinan (A-31), Sarfaraz Nawaz (A-32), Rafeek M (A-34) and Abid K M (A-35) in Karnataka and Kerala.

7. Learned counsel for the appellant submits that he is moving this Court for grant of bail on three grounds:-

(1) the case of the appellant is in *pari materia* with that of other accused persons who have been granted bail either by this Court or by the Hon'ble Supreme Court. It is submitted that Md. Sinan (A-31), Sarfaraz Nawaz (A-32), Abdul Rafique (A-33), Rafeek M (A-34) and Abid K M (A-35) have been granted bail by

this Court on 18.04.2025. Md. Yakub Khan (A-27), Shahid Reza (A-38), Riyaz Moarif (A-4), Tanveer Barkati (A-28), Maulana Abdur Rahman (A-24), Md. Belal @ Irshad (A-30), Md. Irshad Alam (A-36), Athar Parwez (A-1) and Md. Jalaluddin (A-2) have been granted privilege of bail by the Hon'ble Supreme Court.

(2) It is stated that from the materials on the record, it would be evident that no case is made out against the appellant under Sections 13, 20 of UA(P) Act. There is no material to show that the funds were used for terror acts. The telephone calls were normal social contact calls made during the period when PFI was still legal and, therefore, it cannot be said to be a terror conspiracy. Learned Special Court has not conducted the triple test i.e. (a) risk of flight, (b) tampering evidences and (3) influencing witnesses, therefore, the learned Special Court has not acted in accordance with the judgment of the Hon'ble Supreme Court in the case of **Dataram Singh vs. State of Uttar Pradesh and Another** reported in **(2018) 3 SCC 22** and **P. Chidambaram vs. Directorate of Enforcement** reported in **(2020) 13 SCC 791**.

(3) It is submitted that the grounds of arrest was not properly served upon the appellant. Referring to the judgment of the Hon'ble Supreme Court in the case of **Vihaan Kumar versus The State of Haryana and Another** reported in **(2025) 5 SCC**

799, learned counsel submits that it is the duty of the Magistrate to verify the service of ground of arrest at the time of production of accused persons and to duly record the compliance. It is submitted that there is no ground of arrest served upon the appellant. Neither any transit remand nor regular court remand were taken in this case.

8. Learned counsel has relied on the judgment of the Hon'ble Supreme Court in the case of **Usmanbhai Dawoodbhai Memon and Others versus State of Gujarat** reported in **(1988) 2 SCC 271, Vernon versus State of Maharashtra and Another** reported in **(2023) 15 SCC 56** and **Shefeek and Another versus Union of India and Another** reported in **2025 KER 27411** to submit that the learned Special Judge was required to carefully examine every case coming before it for finding changed provisions of the Act applied or not. Since before granting bail, this Court called upon to satisfy that there are reasonable grounds to believe that the accused is innocent of the offence and that he is not likely to commit any offence while on bail, the allegations on fact, the police report along with statements in the case diary and other available materials should be closely examined. A prayer for bail ought not to be rejected in a mechanical manner.

9. Learned counsel submits that in this case, the learned trial court has rejected the prayer of the appellant for bail in a mechanical manner.

Submissions on behalf of the NIA

10. On the other hand, learned ASG submits that on bare perusal of the chargesheets filed against the appellant, it may be found that there are serious allegations against the appellant of facilitating funds to the members of the PFI/Chakia Module. The appellant was sending money to the co-accused persons from Dubai through syndicate and the same were being used for various unlawful activities which were carried out by the members of the PFI. In the counter affidavit filed on behalf of the NIA, the role of the appellant has been pointed out. It is submitted that in the case of Anwar Rashid (A-37), it was found in course of investigation that he was ex-member of the banned terrorist organization Student Islamic Movement of India (SIMI) and he was also associated with several PFI members of Bihar and UP including FIR named accused Manjar Parvej (A-18), Athar Parvej (A-1) who was instrumental in preparing a secret group of ex-SIMI members to work for the agenda of Popular Front of India, a banned unlawful association. The said Anwar Rashid (A-37) has been denied bail by the Hon’ble Supreme Court in Special Leave to

Appeal (Crl.) No. 3496 of 2026 arising out of the judgment dated 20.11.2025 passed by this Court in Cr. Appeal (DB) No. 310 of 2025.

11. It is submitted that some of the accused persons whose bail were denied have been granted bail by the Hon'ble Supreme Court but on perusal of the records, it may be easily found that all those who have been granted bail by the Hon'ble Supreme Court had remained in jail for at least two and half years. In the present case, the appellant is in custody only since 04.01.2025, therefore, he has remained in custody for only one year six months approximately. Learned ASG has further informed that the trial of the appellant has been separated and he is facing trial in Trial No. 6 of 2025 along with Shamim Akhtar (A-3) and Md. Mahboob Alam Nadvi (A-7) who had been arrested on 30.10.2025 and 13.09.2025 respectively.

12. It is submitted that the submission of learned counsel for the appellant that no case is made out against the appellant is liable to be rejected at the outset. Learned Special Court upon perusal of the FIR, Police Report and other materials on the record took cognizance of the offences under Sections 120B, 121, 121A, 153A, 153B of IPC and section 10, 13, 17, 18, 18A, 18B and 20 of the UA(P) Act. Even charges have been framed against the appellant after finding that there are sufficient materials on the record to satisfy the ingredients of the offences under Sections 120B, 121, 121A, 153A, 153B of IPC and Sections 10, 13, 17, 18, 18A, 18B and 20 of the UA(P) Act. In such circumstance, this Court while hearing the bail application may not be in a position to form an opinion that the appellant is not guilty of commission of the offence for which he has been charged. There is no reasonable grounds for believing that the accused is innocent of the offence and that he is not likely to commit any offence.

13. Learned ASG further submits that so far as the issue raised with regard to the grounds of arrest is concerned, learned Special Judge has dealt with this ground in paragraphs ‘16’ and ‘17’ of the impugned judgment. Learned Special Judge has found that it was a false statement which is liable to be deprecated. It is stated that on the date of arrest of the petitioner i.e. on 04.01.2025, the grounds of arrest were duly served upon him along with the arrest memo and personal search memo which fact is clearly established by his receiving signatures on each of the documents.

14. Further, the date on which transit remand was sought i.e. 05.01.2025, he was produced before learned Duty JMFC, Patiala House Courts, New Delhi and the order passed by the learned Magistrate clearly mentions that the grounds of arrest has been found justified and that the petitioner has been produced within 24 hours of arrest. It is submitted that even the order passed by the court on 07.01.2025 clearly mentions about the grounds of arrest.

15. Answering the submissions of learned ASG, the learned counsel for the petitioner submits that there is no criminal antecedent of this appellant. It is stated that there is no allegation that the appellant was a member of SIMI. The PFI was banned in September, 2022 not as a terrorist organisation.

Consideration

16. We find substance in the submission of learned ASG in paragraphs 12, 13 and 14 here-in-above. Charges have already been framed against the appellant. In paragraph '16' of the impugned judgment, the learned trial court has deprecated the submissions made on behalf of the appellant that the grounds of arrest were not served upon the appellant. We have noticed from the averments made in the memorandum of appeal that in a very casual manner, a statement has been made that admittedly no ground of arrest was served upon the appellant and no transit remand was taken from the court at Delhi. We find that such statement has been made without contesting the recordings present in paragraph '16' of the impugned judgment. Thus, the ground nos. (2) and (3) recorded under paragraph '7' of this order would fail.

17. The only ground which remains to be considered by this Court is the ground of parity. Whether or not the appellant be allowed privilege of bail during pendency of the trial on the ground that other accused persons who were also members of the PFI and with whom transactions had taken place have been granted bail, is required to be considered.

18. This Court finds that the other members of the PFI with whom transactions had taken place are Sinan (A-31), Sarfraz Nawaz (A-32), Iqbal (A-33), Rafeek M (A-34), Abid K M (A-35) and Riyaz Moarif (A-4). All these accused persons have been granted privilege of bail either by this Court or by the Hon'ble Supreme Court. On perusal of the chargesheets, which are available on the record, it is found that the allegation against Riyaz Moarif (A-4) is that he used Bandhan Bank account of Md. Belal @ Irshad for collection of funds from abroad as well as from associates in India. The chargesheet further reveals that Bandhan Bank of accused Md. Belal @ Irshad revealed that he carried out several transactions with co-accused Riyaz Moarif (A-4) and his wife Shabana Khatoon, Md. Sanaullah (A-5), Md. Ansarul Haque (A-21), Md. Sajjad Alam (A-39) and Yaqub Khan (A-27).

19. This Court further finds from the chargesheet that Md. Belal @ Irshad had received funds in his Bank account from his associate Md. Sajjad Alam (the appellant) and the appellant has been referred as an associate of FIR named accused Riyaz Moarif, Md. Ansarul Haque, Tausif Alam, Shameem Akhatar and Athar Parvej. This Court reproduces paragraphs '17.35', '17.36' and '17.37' of the chargesheet hereunder for a ready reference:-

> "**17.35** During further investigation, analysis of Canara Bank A/c no. 6342101000497 of Md. Sajjad Alam (A-39) revealed that the suspicious transactions in form of cash deposits were made in the name of Sinan (A-31) from the Canara bank from Panemangalore, Bantwal and Vittala branches of Dakshina Kannada district of Karnataka. A total of Rs. 6,14,930/- were deposited in said bank account of A-39 from 29.11.2022 to 10.02.2023. Sarfraz Nawaz (A-32) also transferred funds using UPI in the said bank account of A-39. A total of Rs. 93,700/- were transferred in said bank account of A-39 by Sarfraz Nawaz (A-32) from 03.12.2022 to 27.01.2023. The cash amounts Rs.50,000/- or less than were deposited to avoid generation of Suspicious transaction Report (STR) and escape scrutiny of law enforcement agencies.
>
> **17.36** A pictorial diagram showing flow of funds in the Canara Bank Account No. 6342101000497 of Md. Sajjad Alam (A-39) is as under:-

Financial Year	**Debit Amount**	**Credit Amount**
2016-2017		1,005
2017-2018	27,536	39,679
2018-2019	2,01,030	1,90,101
2019-2020	1,35,672	1,86,813
2020-2021	6,32,200	5,86,178
2021-2022	6,40,860	6,72,027
2022-2023	18,80,833	19,90,934
Grand Total	**35,18,131**	**36,66,737**

17.37 Investigation also brought out the undermentioned transactions between FIR named, further arraigned accused persons and Md. Sajjad Alam (A-39) which established his association with these accused persons and his involvement in this criminal conspiracy:

Suspect Name	Received	Sent	Count
Riyaz Moarif (A-4)	-	8,000	1
Tausif Alam (A-6)	1,000	-	3
Md. Ansarul Haque (A-21)	150	2,500	3
Md. Tanveer Barkati	5,230	8,450	9
Mr. Irshad	200	-	1
Md. Belal @ Irshad (A-30)	69,857	3,36,400	68

20. This Court finds that either this Court or the Hon’ble Supreme Court has been pleased to grant bail to all those accused persons who had allegedly received money in their account and against whom the allegations were that they were in chain of the accused who were keeping the funds for carrying on the unlawful activities of the PFI. The Hon’ble Supreme Court has noticed that there are large number of prosecution witnesses who are required to be examined and perhaps it would not be possible to examine them within a reasonable period, the accused has remained in custody for over two years, therefore, they have been granted bail.

21. In the present case, this Court finds that the accused has remained in jail for over one and half year but till date as per the statement of the learned ASG, no witness has been examined in the separate trial which is being faced by the appellant. Learned counsel for the appellant and learned ASG for the NIA are not on the same page in this regard as learned counsel for the appellant submits that the appellant is facing trial with the other accused in which total 426 witnesses have been cited and out of them only 18 witnesses have been examined so far.

22. Mr. Arvind Kumar, the Assisting Counsel to learned A.S.G. submits that in this trial, the proposal to prune the number of witnesses is pending with the headquarters of the N.I.A. and first three witnesses are likely to be examined on 01.08.2026.

23. Having considered the entire submissions and the materials present on the record, this Court finds that the case of the appellant stands on equal footing with that of those who have been granted bail either by this Court or by the Hon'ble Supreme Court. The case of Anwar Rashid (A-37) whose bail has been denied by the Hon'ble Supreme Court stands on a completely different footing. In such circumstance, this Court sets aside the impugned order passed by learned Special Judge, NIA and directs that the appellant be released on bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Special Court (NIA

Cases), Patna in Special Case No. 13 of 2023 arising out of RC/31/2022/NIA/DLI subject to the conditions prescribed under Section 480(3) of the Bharatiya Nagarik Suraksha Sanhita (BNSS) and further condition that the appellant shall submit his passport with the learned Special Court, NIA. He shall not go outside India without prior permission of the trial court.

24. The appellant shall attend the trial on each and every date fixed in the matter. Two consecutive defaults in putting appearance without any plausible reason shall invite action towards cancellation of the bail bond of the appellant by the learned trial court.

25. This appeal is allowed accordingly.

(Rajeev Ranjan Prasad, J)

(Sunil Dutta Mishra, J)

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AFR/NAFR	
CAV DATE	
Uploading Date	23.07.2026
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