Court No. - 12

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 3340 of 2024

Applicant :- Muhammed Tahir Zakir Chauhan
Opposite Party :- State Of U.P. Trhu. Its Prin. Secy. Govt. Of U.P. Lko.
Counsel for Applicant :- Vikas Vikram Singh,Naved Ali,Sumedha Sen,Syed Mehfuzur Rehman
Counsel for Opposite Party :- G.A.,Dr. Shailendra Sharma,Shitesh Jha

With

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 3350 of 2024

Applicant :- Mohammed Anwar Muhammed Ali Khan
Opposite Party :- State Of U.P. Thru. Prin. Secy. Lko.
Counsel for Applicant :- Vikas Vikram Singh,Naved Ali,Sumedha Sen,Syed Mehfuzur Rehman
Counsel for Opposite Party :- G.A.,Dr. Shailendra Sharma,Shitesh Jha

With

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 3355 of 2024

Applicant :- Maulana Habib Yusuf Patel
Opposite Party :- State Of U.P. Thru. Its Prin.Secy. Govt. Of U.P. Lko
Counsel for Applicant :- Vikas Vikram Singh,Naved Ali,Sumedha Sen,Syed Mehfuzur Rehman
Counsel for Opposite Party :- G.A.,Dr. Shailendra Sharma,Shitesh Jha

With

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 3357 of 2024

Applicant :- Muddassir Mohammed Iqbal Sapadia
Opposite Party :- State Of U.P. Thru. Prin. Secy. U.P. Lko.
Counsel for Applicant :- Vikas Vikram Singh,Naved Ali,Sumedha Sen,Syed Mehfuzur Rehman
Counsel for Opposite Party :- G.A.,Dr. Shailendra Sharma,Shitesh Jha

Hon'ble Pankaj Bhatia,J.

1. Since the aforesaid bail applications arising out of the same case crime number, the same are being disposed of by a common order.

2. Heard Sri Naved Ali, Vikas Vikdram Singh, Sumedha Sen, Syed Mehfuzur Rehman, learned counsel for the applicants as well as Sri V.K. Shahi, learned Additional Advocate General assisted by Sri Anurag Verma, learned Government Advocate and perused the record.

3. In terms of the FIR lodged by a public spirited person registered as Case Crime No. 332 of 2023, allegations were leveled that it has come to informant's knowledge that the organizations named in the FIR including the trust of which, the applicants are the trustees were issuing 'Halal certificate' in respect of various products, which was hurting the religious sentiments of the people. It was also stated that the said certificates were being issued without any authority of law and, unauthorized gains were being made, which was also amounting to hurt the religious sentiments of various persons. It was also alleged that these authorities were trying to influence the market condition of one particular community. It was also alleged that the standards were not being followed and the effort was being made to effect the market equilibrium by issuing such certificates fraudulently, as a result whereof, the sales were adversely affected. It was also stated that such certificates were being issued in respect of not

only edible products but also toiletries, honey, vegetarian products etc. only with a view to adversely affect the market equilibrium and for earning unauthorized economic gains. It was also stated that the said acts were acting in furtherance of creating enmity in between two communities and the economic gains were being diverted for various terrorism related activities.

4. In the light of the said FIR, it is claimed by the counsel for the applicants that the applicants were issued a notice under Section 91 of the Cr.P.C. on 06.12.2023 (Annexure No. 2) calling upon the applicants to give evidence with regard to the queries as raised in the notice dated 06.12.2023. The applicants claim to have given all the information as desired through their communication which is also on record. He further argues that on the one hand, the applicants were called as witness, however, the applicants were arrested on 13.02.2024. It is also brought on record that the authority to issue Halal certificates and the two notifications issued by the State of Uttar Pradesh were challenged by four other petitioners before the Supreme Court of India by filing Writ Petition (Criminal) No. 24 of 2024 under Article 32 of the Constitution of India titled as 'Jamiat Ulama-I-Hind Halal Trust Versus State of Uttar Pradesh', wherein, interim protection was given to the petitioners therein and notices were issued to the respondents, the interim protection was to the effect that no coercive action shall be taken. In the said petition, the FIRs filed were also challenged. In the light of the said, it is argued that on the one hand, the co-accused have been given protection by the Supreme Court, whereas the applicants, who were co-operating and providing the information have been arrested. It is further argued that the Director General of Foreign Trade has issued circulars in terms of the powers vested by virtue of Foreign Trade Development and Regulation Act authorizing various bodies, who

can issue Halal certificates after getting themselves accredited by a body for which norms were also prescribed. He further argues that even before the time for getting accredition expired, the applicants were arrested. In respect of the trust of which the applicants are the office bearer, no such certificate/accredition has been obtained. He further argues that in any case, the material to link the applicants with the offence in question emanates from the statement without there being anything on record to suggest that the applicants had issued any certificate through any authority or body within the State of Uttar Pradesh. In the light of the said, it is argued that the applicants may be enlarged on bail as they have no criminal antecedents. An undertaking is also given by the counsel on behalf of the applicants that if the applicants are enlarged on bail, they would not issue any certificate either personally or through the trust of which they are the Managers or through any body with which the applicants can be linked.

5. Learned Additional Advocate General and the learned A.G.A. opposed the bail prayer by arguing that essentially, the functions which are in the domain of sovereign authorities either under the Food Safety Act or the other regulatory mechanism, a private trust has tried to encroach upon the said sovereign functions by proclaiming that they have authority to issue such certificates and in the said process, an effort was made to unsettle the financial equilibrium in favour of the persons, who are obtaining the certificates and to the detriment of the persons, who were not obtaining the said certificates. To demonstrate, document has been filed to show that even in respect of "Tulsi", which is essentially a plant, Halal certificate has been issued. The other example of issuance of such certificates in respect of spices, etc. has been brought on record. In fact the case of the State is that a trust without having any

authority to exercise any sovereign function, is trying to destabilize the economy by issuance of such certificates and, affecting the free market economy. He further argues that said act of the applicants, would have grave economic consequences, if allowed to continue. He, however, does not dispute that the issue with regard to the notifications issued by the State and the FIRs are under challenged in Writ Petition (Criminal) No. 24 of 2024, wherein interim protection has been extended to the petitioners of the said writ petition, as against adoption coercive process. He further does not dispute that the applicants have no criminal antecedents.

6. Considering the submissions made at the Bar, prima facie, without going into the merits of the arguments with regard to the allegation leveled against the applicants specially with regard to exercise of sovereign functions without any authority of law and the affect of such actions in destabilizing the economy of the country at this stage, considering the fact that the co-accused have been granted interim protection against arrest against whom similar allegations were leveled coupled with the fact that the applicants and the trust run by them have undertaken before this Court that they would not be issuing any certificate of the nature issued so far, if enlarged on bail till the date a proper authorization either by the Central or by the State Government is granted to them in accordance with law, the applicants are enlarged on bail. Accordingly, the bail application is ***allowed***.

7. Let the applicants namely ***(1) Muhammed Tahir Zakir Chauhan, (2) Mohammed Anwar Muhammed Ali Khan (3) Maulana Habib Yusuf Patel (4) Muddassir Mohammed Iqbal Sapadia***, be released on bail in FIR/ Case Crime No. 332 of 2023, under Sections 120-B, 153-A, 298, 384, 420, 467, 468, 471, 504 IPC, Police

Station Hazratganj, District Lucknow, on their furnishing personal bonds and two reliable sureties of Rs.1,00,000/- (Rs. One Lac) each to the satisfaction of the court concerned with the following conditions:

(a) The applicants shall execute a bond to undertake to attend the hearings;

(b) The applicants shall file an affidavit/undertaking on their individual behalf and on behalf of the trust to the effect that they shall not issue any Halal Certificate to anyone till they are authorized to do so by a written permission from either the Central Government or the State Government;

(c) The applicants shall not leave the country without prior permission of the trial Court;

(d) The applicants shall surrender their Passports with the trial Court.

(e) The applicants shall not commit any offence similar to the offence of which they are accused or suspected of the commission; and

(f) The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer or tamper with the evidence.

Order Date :- 14.5.2024
Arun