

Bail Matter No. 440/2026
STATE GNCTD Vs. MUZAMMIL
FIR No. 80/2026
PS (Welcome)
U/s 308(2)/3(5) BNS
11.04.2026

Present: Sh. Jitendra Sharma, Ld. Addl. PP for the State.
Ms. Laxmi, Ld. Counsel for the applicant /
accused.
IO ASI Sanjay Kumar in person.

**This is an application under section 483 of BNSS
2023 moved by the applicant / accused Muzammil.**

Reply filed. Copy supplied.

Arguments heard.

To come up for orders at 4.00 p.m.

(Gajender Singh Nagar)
Special Judge, NDPS
Shahdara Distt./KKD/11.04.2026

At 4.05 p.m.

Present: Sh. Jitendra Sharma, Ld. Addl. PP for the State.
None for the applicant / accused.

1. Vide this order, the undersigned shall decide the bail application U/s 483 BNSS moved on behalf of applicant/ accused Muzammil.
2. It is contended by Ld. Counsel for applicant/ accused that no notice was given to the applicant / accused prior to his arrest. There is no prior complaint made qua any extortion being made by the present applicant / accused prior to the incident of attacked on the bus of complainant

by co-accused Sumit and the present applicant / accused Muzzammil. Hence, it is requested that bail may kindly be granted to applicant/ accused.

3. Per contra, the present bail application has been vehemently opposed by Ld. Addl. PP for the State on the ground that certain persons namely Imran, Sufiyan, Rahil and others made extortion demand to the complainant and threatened him if he would not pay the protection money of Rs.800/- per day for parking the bus in Delhi his bus would be sabotaged. Consequent to this threat co-accused Sumit and the applicant / accused Muzzammil attacked the bus of the complainant on 23.02.2026. Both of them were arrested from the spot. Other co-accused persons involved in extortion demand are still at large. Hence, it is requested that bail may not be granted to the applicant/accused.

4. Heard. Record perused.

5. In ***Prasanta Kumar Sarkar Vs. Ashis Chatterjee & Anr., (2010) 14 SCC 496*** Hon'ble Supreme Court has held that:-

“11. It is well settled that, among other circumstances, the factors to be borne in mind while considering an application for bail are:

- (i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence;*
- (ii) nature and gravity of the accusation;*
- (iii) severity of the punishment in the event of conviction;*
- (iv) danger of the accused absconding or fleeing, if released on bail;*
- (v) character, behaviour, means, position and standing of the accused;*
- (vi) likelihood of the offence being repeated;*

(vii) reasonable apprehension of the witnesses being influenced; and
(viii) danger, of course, of justice being thwarted by grant of bail.

12. It is manifest that if the High Court does not advert to these relevant considerations and mechanically grants bail, the said order would suffer from the vice of non-application of mind, rendering it to be illegal. In Masroor (supra), a Division Bench of this Court, of which one of us (D.K. Jain, J.) was a member, observed as follows: "Though at the stage of granting bail an elaborate examination of evidence and detailed reasons touching the merit of the case, which may prejudice the accused, should be avoided, but there is a need to indicate in such order reasons for prima facie concluding why bail was being granted particularly where the accused is charged of having committed a serious offence.

6. Considering the fact that the applicant / accused is in JC since 24.02.2026. No extortion money has actually been given by the complainant to the accused persons. No section providing punishment for mischief has been attracted in the FIR. No further custody of the present applicant / accused is required for the purpose of investigation. No useful purpose would be served by keeping him in the custody. It is to be noted that a person cannot be kept in custody as a punitive measures. Accordingly, the applicant/accused Muzammil is admitted to bail on furnishing bail bonds in the sum of Rs.20,000/- with one surety in the like amount to the satisfaction of Ld. JMFC/Link JMFC/Duty JMFC, subject to the conditions mentioned herein below:-

- i) That the applicant/ accused shall keep his mobile phone and its location operational;
- ii) That the applicant/ accused shall convey any change of address immediately to the I.O. and to the Court;
- iii) That the applicant/ accused shall not leave the Country without prior permission of the Court;
- iv) That the applicant/ accused shall not contact any of the prosecution witnesses direct or indirectly;
- v) That the applicant/ accused shall not misuse the concession of bail by indulging in commission of similar type of offence in future;
- vi) That the applicant/ accused shall attend the Court proceedings regularly.

If applicant/ accused is found to be violating any of the above conditions, the State shall be at liberty to seek cancellation of bail.

- 7. Nothing expressed here-in-above, shall tantamount to any opinion on the merits of this case.
- 8. Copy of this order be given dasti to Ld. Counsel for applicant/ accused and to IO, as per rules.
- 9. In compliance of directions of **Hon'ble Supreme Court of India** in case titled '***In Re: Policy Strategy for Grant of Bail***', Writ Petition (Crl.) No.04/2021 dated 31.01.2023, copy of this order be sent to applicant/accused through concerned Jail Superintendent for information.

(Gajender Singh Nagar)
Special Judge, NDPS
Shahdara Distt./KKD/11.04.2026