

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50702 of 2017

Arising Out of PS.Case No. -4 Year- 2013 Thana -GOVERNMENT OFFICIAL COMP. District-
PATNA

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Chandan Kumar @ Tinku Kumar, son of Shri Niranjan Singh, Resident of
Digha Post Office Road, P.S.-Digha, District-Patna

.... Petitioner/s

Versus

The Union of India through the Assistant Director, Directorate of
Enforcement (Govt. of India) 1st Floor, Chandpura Place, Bank Road, West
Gandhi Maidan, Patna-1

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pathak, Adv.
For the Opposite Party/s : Mr. S.D Sanjay, Addl. Soc. Gen.
Mr. Rajesh Kumar Verma, CGC

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD
ORAL ORDER

2 18-10-2017 Heard learned counsel for the petitioner and learned

Additional Solicitor General, Union of India who represents the

Enforcement Directorate.

Petitioner is seeking anticipatory bail in connection
with Special Trial No.(PMLA) 01/15 registered under Section 4 of
the Prevention of Money Laundering Act in pursuance of ECIR
No.PTZO/04/13.

Learned counsel for the petitioner submits that name
of this petitioner has been brought within the purview of
Prevention of Money Laundering Act, 2002 on mere suspicion.
Further submission is that the petitioner has been able to explain
his income and the assets procured through such income which he



has earned through legal means. Submission is that the enquiry was initiated by the Enforcement Directorate in the year 2013, but till date the investigation has not revealed that this petitioner has acquired any of the assets which are in fact already attached by the Enforcement Directorate. He submits that the properties which were acquired even prior to the year 2002 have also been attached by the Enforcement Directorate. Submission is that at this stage after about four years from the date of institution of enquiry there is no need to take this petitioner in custody.

On the other hand, learned Additional Solicitor General, Union of India submits that the Enforcement Directorate needs custodial interrogation of this petitioner in order to obtain information relating to mode and manner in which the different cheques were deposited in the account which was opened by this petitioner. The enquiry has also revealed that there is a connection between the accused Sunny Priyadarshi and this petitioner and said Sunny Priyadarshi had even gone to meet this petitioner in jail while he was in judicial custody in the Kolkata Jail. Learned Additional Solicitor General has placed before this Court a copy of the order dated 01.12.2015 passed by a coordinate Bench of this Court in Cr.Misc.No.40911 of 2015 in the case of Smt. Rinku Singh, wife of this petitioner. This order has not been disclosed by



the petitioner in the present case.

Learned counsel representing the Enforcement Directorate has categorically submitted that despite there being rejection of the anticipatory bail application of his wife this petitioner has not surrendered and is not cooperating in investigation.

Considering the totality of the circumstances and the fact that the custodial interrogation of this petitioner is required and petitioner has not surrendered during all these period, this Court is not inclined to grant anticipatory bail to the petitioner.

The application is, accordingly, rejected.

(Rajeev Ranjan Prasad, J)

Arvind/-

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