

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7652 of 2018

Arising Out of PS. Case No.-5 Year-2016 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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Ranjit Mandal, Son of Sri Shivdani Mandal @ Sri Shivdani Rai, Resident of
Village- 40, Bodh Nagar, Ramgarh Chowk, Police Station- Ramgarh Chowk,
District- Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. U.K. Gautam, Assistant Director, Directorate of Enforcement (Prevention of Money Laundering Act 2002) Govt. of India, 1st Floor, Chandipura Place Bank Road, West Gandhi Maidan, Patna- 800001.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Pankaj Kumar Sinha
		Mr. Rabi Bhushan
For the UoI	:	Mr. Rajesh Kumar Verma

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 16-03-2018 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with
Complaint Case no. 5 of 2016 registered for the offence under
Section 4 of the Prevention of Money Laundering Act-2002.

The petitioner is said to be the habitual offender
and has acquired property worth Rs. 92,88,043/- in his own
name and in the name of his wife, father and brother through the
crime proceeds.

It is submitted by learned counsel for the petitioner
that the petitioner has been falsely implicated in the case. The



provision of Section 3 of Money Laundering Act is not applicable in the case under hand as the aforesaid property has not been acquired by the criminal act or by the criminal proceeds. He has given explanation and source of consideration used in acquiring the aforesaid property in his own name or in the name of his wife, father and brother. It is further submitted that the property standing in the name of his wife, father and brother have not been acquired by the petitioner rather by the aforesaid persons from the sale consideration which they have managed as detailed in his bail petition. It is further submitted that it is a matter of trial, where it will be considered as to whether the aforesaid properties have been acquired by the aforesaid persons by sale consideration acquired by the aforesaid persons from the aforesaid sources or by the petitioner through the crime proceeds *benami* in the name of his wife, father and brother. The petitioner has been languishing in custody since 28.04.2017.

On the other hand, learned counsel for the Union of India opposed the bail prayer of the petitioner and submitted that the petitioner happens to be habitual offender and acquired the aforesaid property in his own name and also *benami* in the name of aforesaid persons through the crime proceeds and



during investigation, it is established that the aforesaid property has been acquired by the petitioner himself through the crime proceeds and petitioner has failed to establish the source of income for acquiring the aforesaid proceeds. Hence, he does not deserve bail.

In the facts and circumstances of the case, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge/Special Judge, Patna in connection with Complaint Case no. 5 of 2016.

(Prakash Chandra Jaiswal, J)

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