

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60192 of 2018

Arising Out of PS. Case No.-2 Year-2015 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

=====

Mantu Yadav @ Raj Kumar Yadav S/o Sri Bhuneshwar Prasad Yadav, R/o
Vill.- Chiraiyatar, P.S.- Rampur, District- Gaya.

... .. Petitioner/s

Versus

The Union of India Represented Through The Assistant Director, Directorate
of Enforcement (Prevention of Money Laundering Act), Government of India,
1st Floor, Chandpura Place, Bank Road, West Gandhi Maidan, Patna-1, Bihar.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Rabindra Kumar Priyadarshi, Adv.
For the Opposite Party/s : Mr. S.D Sanjay, Addl. S.G.
Mr. Anshuman Singh, CGC.

=====

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

8 16-01-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner apprehends his arrest in connection
with Special Trial No. (PMLA) 02 of 2015 arising out of ECIR
No. 01/PAT/2013 corresponding to Complaint Case No. 02 of
2015 registered under Sections 45 of the Prevention of Money
Laundering Act, 2002 for the offences under sections 03 and 04
of the Prevention of Money Laundering Act pending in the
Court of Sessions Judge-cum-Special Judge (PMLA), Patna.

Earlier, prayer of the petitioner for bail was rejected
on merit by this Court on 06.10.2017 passed in Cr. Misc. No.
33289 of 2017 on the ground that there is specific allegation of



money laundering against the petitioner and he has criminal antecedent. Thereafter, the petitioner approached before the Hon'ble Apex Court, wherein the petitioner was granted liberty to withdraw the Special Leave Petition to move before the appropriate Court for grant of bail.

Learned counsel appearing on behalf of the petitioner during the course of argument has cited the land mark judgment passed on 23.11.2017 in the case of *Nikesh Tarachand Shah Vrs. Union of India and Anr.* declaring section 45(1) of the Prevention of Money Laundering Act, 2002 insofar as it imposes two further conditions for release on bail as unconstitutional and it violates Article 14 and 21 of the Constitution of India.

Learned A.P.P. appearing on behalf of the State vehemently opposed the prayer of the petitioner by contending that there is no fresh ground in the instant case. He further submits that petitioner has criminal antecedent of different nature including the involvement in different sections 302, 307, 353, 364, 384, 385, 379 of the Indian Penal Code and section 47(a) of the Excise Act as well as section 3(i)(x) of the SC/ST (Prevention of Atrocities) Act.

Having considered the facts and circumstances of the



case and the submissions advanced by the parties as well as the involvement of the petitioner in the different types of criminal activity, I am not inclined to allow the prayer of the petitioner for anticipatory bail. Accordingly, his prayer for bail is, hereby, rejected.

(Arvind Srivastava, J)

Shailendra/-

U		T	
---	--	---	--

