# IN THE HIGH COURT OF JUDICATURE AT PATNA
## CRIMINAL MISCELLANEOUS No.74371 of 2018

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

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Bimal Jain, Son of Late Raushan Lal Jain, Resident of 1/2578A, FF, Near Vishwakarma Mandir, Mandauli Road, Ram Nagar Sahadra, P.S. Mansarovar Garden, New Delhi-32.

... ... Petitioner

Versus

1. The State Of Bihar
2. The Union of India through the Assistant Director, the Prevention of Money-Laundering Act (PMLA), 2002, Government of India, 1st Floor, Chandrapura Palace, Bank Road, West Gandhi Maidan, District Patna

... ... Opposite Parties

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**Appearance :**

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| For the Petitioner/s | : | Mr. P.K.Shahi, Sr.Advocate with<br>Mr. Arjun Kumar, Advocate |
| For the Opposite Party/s | : | Mr.Sri Ashok Kumar Singh |
| For Union of India | : | Mr. S.D. Sanjay, Additional S.G. with<br>Mr. Rajesh Kumar Verma, Advocate |

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**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA**

ORAL ORDER

7 16-04-2019 The petitioner seeks bail in anticipation of his arrest in connection with E.D. Case No./Special Trial No. (PMLA) 02 of 2018, ECIR No. PTZO/05/2016 dated 26.12.2016 which has been initiated on the basis of a complaint filed by one Mr. Naveen Kumar Jha, Assistant Director, Directorate of Enforcement (PMLA) for the offences under Sections 3 and 4 of the PMLA in which cognizance has been taken under Section 4 of the PMLA.

Allegation as per FIR is that on the basis of the FIR

No. 339 of 2016 lodged by Shashi Kumar and Rajesh Kumar respectively for depositing the amount in their account and misutilising the same in connivance with the Bank Officials. The matter was reported to the E.D. officials. The present case has been lodged with the allegation that scrutiny of bank account statement reveals that huge amount of cash to the extent of 7.9 crores of rupees was deposited after demonetization and the same has been found to have been transferred by RTGS to different accounts and the cash deposit slips and RTGS forms were signed by Sri Moti Lal, Director of M/s MTI Cotton Mills Pvt. Ltd, Gaya. Moti Lal in course of his statement made under Section 50 of the Public Money Laundering Act disclosed that total cash deposit in the 17 accounts and 05 accounts under control of the complainants, namely, Rajesh Kumar and Shashi Kumar, to the tune of Rs.39,87,49,250/- during the period July, 2016 and this cash was handed over to him and subsequently transferred on the same day or other day to the Bank accounts of certain Delhi and Kolkata based firms such as M/s Shree Ram Overseas, M/s Shree Ganesh Overseas, M/s Radha Trading Co., M/s Vinod Enterprises and M/s Azad Singh Manoj Kumar, all based in Delhi, etc., on the direction of Dhiraj Jain and petitioneraccused Bimal Jain, businessmen, based in Gaya and Delhi.

Submission of learned Sr.counsel for the petitioner is that there is absolutely nothing against the petitioner except the statement of one Akshay Goyal that M/s Shree Ram Overseas was actually run by the petitioner and the phone number given in that is being used by the petitioner and except that there is absolutely nothing against the petitioner.

On the other hand, learned Additional Solicitor General appearing on behalf of E.D. has submitted that he has filed a detailed supplementary counter affidavit stating the role of the petitioner and that shows that Moti Lal in his statement under Section 50 of the Public Money Laundering Act confessed to have deposited the cash and transferred the amount to different entities controlled by Dhiraj Jain and Vimal Jain in connivance with the Bank officials and most of the above bank accounts are controlled by the petitioner. Further the statement of Rajan S Seth, Proprietor of M/s V.S. Healthcare, Mumbai has been recorded under Section 50 of PMLA and the statement disclosed that he had received Rs.3.77 crores in his bank accounts held with Cosmos Bank, Mumbai, IDFC Bank, Mumbai and Kotak Mahindra Bank, Mumbai from the bank accounts of firms, namely, M/s Sandeep Traders, M/s Sunil

Trading Co., M/s Rajesh Trading Co., M/s Shree Ram Overseas, M/s Shree Ganesh Overseas, M/s Radha Trading Co. and M/s Azad Singh Manoj Kumar in respect of goods sold to them and he does not know the proprietor of these firms nor his firms had direct dealing with these firms and he had received the order on behalf of these firms from one businessman of Delhi Shri Bimal Jain through his mobile number 8595303587 on his office landline No. 24103973-74 or on his mobile No. 9819366960, copy of the statements of Shree Rajan S. Shah, Proprietor of M/s V.S. Healthcare, Mumbai recorded under Section 50 of PMLA on 21.5.2018 is annexed and marked as Annexure-D and CDR analysis of mobile No. 8595303587 registered in the name of the petitioner reveals that he was in constant touch with Moti Lal, Shri Rajan S Shah and Dhiraj Jain. Apart from that, the statement of Akshay Goel has also been recorded, which also disclosed that the petitioner, who was his employer, has misused his mobile number and the petitioner is the real owner of M/s Shree Ram Overseas, Delhi and there is no trading or manufacturing work in the office of M/s Shree Ram Overseas, Delhi and goods have never been received in the office for any business. There are other details also about the allegation against the petitioner. It has also been submitted that the statements of Moti Lal and Rajan S Shah are the admissible evidence and the above facts clearly disclosed that there are sufficient materials against the petitioner and support of the same notice was being sent to the petitioner on several times to appear before the E.D. officials but he did not appear.

Having heard both sides and in view of above facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner. This application is dismissed.

The interim order dated 10.1.2019 stands withdrawn.

**(Vinod Kumar Sinha, J)**

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