

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78159 of 2019

Arising Out of PS. Case No.-2 Year-2016 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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MD. NAUSHAD @ NASIA @ NAUSHAD ALAM @ MD. NAUSHAD
ALAM Son of Late Md. Tauhid Resident of Village - Mirzapur Bardah, P.S.-
Mufassil, District - Munger

... .. Petitioner/s

Versus

1. The State of Bihar
2. Union of India through Assistant Director, Directorate of Enforcement,
Government of India, Bank Road, West Gandhi Maidan, Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Ajay Kumar Thakur, Adv.
For the Union of India	:	Mr. S.D.Sanjay, Sr. Adv.
		Mr. Anshuman Singh, Adv.
For the State	:	Mr.Manoj Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

- 3 27-05-2020 Heard Mr. Ajay Kumar Thakur, learned counsel for the petitioner, Mr. S.D.Sanjay, learned senior counsel for the Union of India and Mr. Manoj Kumar, learned counsel for the State through Video Conferencing.

The petitioner filed this petition for grant of bail in Complaint Case No.ECIR No.PTZO/08/2013, corresponding to Special (PMLA) Case No.2 of 2016.

Learned counsel for the petitioner submits that petitioner was convicted by Special Judge in Special Trial (PMLA) No.2 of 2016. The petitioner preferred appeal against his conviction in Criminal Appeal(SJ) No.4446 of 2018 and a Single Bench of this Court vide judgment and order dated 17.04.2019 set aside the judgment and order of conviction of the petitioner and remitted the case of the petitioner holding that the



trial should be held by the same court who is in seisin of the Schedule Offences. Thereafter, the Union of India filed S.L.P. (Cr.) No.42948 of 2019 and the Hon'ble Supreme Court by order dated 10.01.2020 stayed the order of this Court passed in Criminal Appeal(SJ) No.4446 of 2018 as well as stayed the further proceeding of the trial court in Special Trial (PMLA) No.2 of 2016. Therefore, I find that petition of the petitioner for grant of bail under Sections 439 and 440 of the Code of Criminal Procedure or under Section 389 of Code of Criminal Procedure is not maintainable before this Court, on such, Mr. Ajay Kumar Thakur, learned counsel for the petitioner submits that petitioner may be given liberty to file petition before the Hon'ble Supreme Court where the petitioner is respondent.

Mr. S.D.Sanjay, learned senior counsel for the Union of India also supports the contention of the learned counsel for the petitioner and submits that petitioner has got every liberty to move before the Supreme Court for grant of bail.

Accordingly, this petition is dismissed as not maintainable. It is needless to say that the petitioner may file petition before Hon'ble Supreme Court in S.L.P.(Cr.) No.42948/2019 for needful.

(Prabhat Kumar Jha, J)

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