

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16257 of 2023

Arising Out of PS. Case No.-25 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

Putul Devi Wife Of Dilip Sahani R/O Village- Kajipur Thathan, P.S.- Hajipur
Sadar, District- Vaishali (BIHAR)

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Directorate Of Enforcement, Government Of India, Represented By Its Assistant Director, Ministry Of Finance, Department Of Revenue, Government Of India, 1st Floor, Chandpura Palace, Bank Road, West Gandhi Maidan, P.S.- Kotwali, District- Patna (BIHAR)

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Vasant Vikas
For the Opposite Party/s	:	Mr.Ram Sumiran Rai
For the UOI	:	Dr. Krishna Nandan Singh, Sr. Adv(ASGI)
		Mr. Manoj Kumar Singh, CGC
		Mr. Shivaditya Dhari Singh JC to ASG
		Mr. Devansh Shankar Singh JC to ASG
		Mr. Amarjeet JC to ASG

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

7 19-09-2023 Heard learned counsel for the petitioner, learned
APP for the State and learned counsel for the UOI.

2. The petitioner has prayed for regular bail in a
case registered for the offence punishable under section 4 of
the Prevention of Money Laundering Act, 2002.

3. As per the complaint case, it is alleged that co-



accused Dilip Sahni who is the husband of this petitioner, is an active member of banned CPI maoists organization against whom, there is allegation that as an area commander of that group, he along with other associates have been alleged of threatening and killing the innocent people as well as they demanded extortion money from people and also several crimes and sections have been imposed on him. It is revealed that he acquired huge properties in the name of his family members and also acquired immovable properties worth of Rs. around 23 lakhs in the name of his wife(petitioner). The total value of property including movable and immovable is worth around 28 lakhs for which no ITR has been filed on behalf of the petitioner and also she has not produced any documentary evidence in respect of these properties.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. She has falsely been implicated in this case. No case is made out under Section 4 of PMLA as the complaint has nowhere alleged the presence of instance of all stages in money laundering i.e., Placement, Layering and Integration, concerning the petitioner who has explained her source of income for acquiring all properties, investments and



purchases but the same despite being plausible, has not been considered by the ED. The petitioner has been dragged in this case only because she happens to be the wife of the co-accused Dilip Sahni(husband of the petitioner) otherwise, she has no concern at all in any manner with the activity of her husband. She is an Annganwadi Sewika and she has two children, the whole family depends upon her income and all responsibility is upon her to look after her children along with her family members. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. Moreover, she is languishing in judicial custody since 16.12.2022. It is further submitted that as per proviso of the Section 45 of the **Prevention of Money Laundering Act, 2002**, it is mentioned that “a person who is under the age of sixteen years or is a woman or is sick or infirm, [or is accused either on his own or along with other co-accused of money-laundering a sum of less than one crore rupees] may be released on bail”.

5. Learned APP appearing for the state and learned counsel on behalf of the UOI have opposed the prayer of regular bail and submitted that the petitioner has not produced any documentary evidence in respect of those immovable and



movable properties. It is also submitted that the petitioner could not generate such huge amount of money through known legal sources of income to acquire these properties.

6. Having heard learned counsel for the parties and considering the facts that petitioner being a lady and her period of custody, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Special Trial No. (PMLA) 03 of 2022 arising out of ECIR No. PTZO/25/2020 dated 18.08.2020 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned District and Sessions Judge-cum-Special Judge(PMLA), Patna.

(Sunil Kumar Panwar, J)

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