

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32421 of 2024

Arising Out of PS. Case No.-1 Year-2018 Thana- E.C.I.R (GOVERNMENT OFFICIAL)
District- Patna

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Dilip Kumar @ Dilip Ram S/o Parikashan Ram @ Parichhan Ram R/o
Village Harpur Gaus, P.O. Paroo, P.S. Saraiya, District Muzaffarpur
... .. Petitioner/s

Versus

1. The State of Bihar
2. The Directorate of Enforcement, Gov. of India represented by Assistant
Director/PMLA, 1st floor, Chandpura Place, Bank Road, west Gandhi
Maidan, Patna
... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vasant Vikas, Advocate
For the Opposite Party/s : Mr.Rajendra Nath Jha, A.P.P.
For the Enforcement Directorate Mr. Anshay B.Mathur, CGC.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

7 25-10-2024 Heard learned counsel for the petitioner and the
Enforcement Directorate.

2. This application is has been filed for grant of
regular bail to the petitioner above named who is languishing in
jail custody in connection with Special Trial (PMLA) Case No.
02 of 2020 [ECIR No. PTZO/01/2018 dated 07.02.2018]
registered for the offences u/s 4 of the Prevention of Money
Laundering Act.

3. As per the prosecution case, petitioner assisted in
concealment of proceeds of crime in the form of purchase of
one truck bearing registration no. HR 39 A 9585 amounting to
Rs. 6,85,000/- acquired in the name of the petitioner and out of



the total amount of Rs. 6,85,000/- for purchasing the said truck, an amount of Rs. 6,70,000/- was provided by co-accused Anil Ram to the petitioner and therefore, committed the offence of money laundering as defined under section 3 of Prevention of Money Laundering Act, 2002.

4. Learned counsel appearing for the petitioner submits that the petitioner was neither an active member nor had any connection with the Maoist organization. He only knew Anil Ram @ Sumit Jee as he was in search of a job when he was arrested and falsely implicated in the present case. It is next submitted that charges have not been framed in this case till date. He has falsely been implicated in the present case only on the basis of purchase of truck in question which has been purchased by petitioner. There is no evidence with the prosecution to prove that the petitioner had purchased the truck bearing Registration No. HR 39 A 6585 through proceeds of crime generated through collection of levy by Anil Ram. Petitioner in his statement made before the Enforcement Directorate under section 50 of PMLA, has also revealed that Anil Ram is known to him as Sanjay Ram and is a distant relative. Petitioner has only been implicated in the present case as he was arrested in the present case along with co-accused



Anil Ram and has given statement recorded under section 50 of PMLA before the Enforcement Directorate that he had bought a truck from the money generated through proceeds of crime amounting to Rs. 6,70,000/- which is a very small amount and except this nothing incriminating has been substantiated in this regard by the prosecution to prove their case. Moreover, allegation of purchase of truck by the petitioner from illegitimate sources of income is of civil nature and no crime has been done by the petitioner. All the properties as alleged in the complaint have been attached by the ED under the PMLA. From perusal of section 45 of PMLA, it is quite evident that a person who is under the age of 16 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 if Special Court so directs. In the instant case, there involves money laundering of a sum of Rs. 6,70,000/- out of which only Rs. 1.5 Lakhs was paid through the account of the petitioner. Charge sheet has already been submitted and there is no requirement of custodial interrogation of the petitioner. Besides this, Petitioner is in custody since 31.1.2021 and even charges have not been framed in the case.

5. Learned counsel for the Enforcement Directorate



opposes the prayer for bail to the petitioner. During course of investigation, it has come that a truck bearing Registration No. HR-39 A has been purchased by co-accused Anil Ram in March, 2018. Investigation revealed that this vehicle belongs to Phool Singh, a resident of Hisar, Haryana, who in his statement dated 20.06.2018 tendered under Section 50 of the PMLA stated that he has sold this truck to the petitioner who is resident of Muzaffarpur for Rs.6,85,000/- out of which Rs.5,35,000/- was paid to him in cash and Rs.1.50 Lakhs were transferred to his bank account no.203000108679077 of Punjab National Bank. It is further alleged that the petitioner is an active member of the banned outfit CPI (Maoist) and was arrested by the police alongwith Anil Ram. Co-accused Anil Ram, in course of his statement dated 19.07.2018, tendered under Section 50 of the PMLA, has also confirmed the statement of the petitioner and accept that the source of Rs.6.70 Lakh cash is collection of levy. It is alleged that the petitioner has knowingly purchased a truck through proceeds of crime in cash from Haryana. Cash generated through collection of levy by from Anil Ram was utilized for payment against the purchase of truck. Dilip Kumar has also knowingly deposited cash provided by Anil Ram in his bank account and the same cash was transferred to the seller of



Truck on the very same day of deposit of cash. The petitioner is closely associated with Anil Ram and he was also arrested with Anil Ram and cash of Rs.8.93 lacs also seized at the time of their arrest which was from the collection of levy. Petitioner utilized the proceeds of crime in cash generated by way of collection of levy of Anil Ram to project the untainted in his own name.

6. Considering the fact that the petitioner is in custody since 31.1.2021 and even charges have not been framed in the case, prayer for regular bail of the petitioner is allowed. Let the petitioner, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sessions Judge/ Special Judge PMLA, Patna in Special Trial (PMLA) Case No. 02/2020(ECIR No. PTZO/01/2018 dated 7.2.2018).

(Prabhat Kumar Singh, J)

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