

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26373 of 2024

Arising Out of PS. Case No.-1 Year-2015 Thana- E.C.I.R (GOVERNMENT OFFICIAL)
District- Patna

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Sri Rajesh Kumar Goyal Son of Late Vinod Prasad Goyal R/o Mohalla-
Mahesh Nagar, Road No. 12, Indrapuri, P.S.- Patliputra, District- Patna

... .. Petitioner/s

Versus

The Union of India through Assistant Director (PMLA), Directorate of
Enforcement Patna

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 77169 of 2023

Arising Out of PS. Case No.-1 Year-2015 Thana- E.C.I.R (GOVERNMENT OFFICIAL)
District- Patna

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Mohit Gupta S/O Late Pawan Kumar Gupta Managing Director Kampar
Concast Ltd. At 406 N. P. Centre New Dak Bunglow Road, Ps. Kotwali, Dist.
Patna

... .. Petitioner/s

Versus

The Union Of India Through, Assistant Director, (PMLA), Directorate Of
Enforcement, Patna Bihar, Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr.Hemant Kumar, Advocate
For the Opposite Party/s :	Mr.(Dr.) K.N. Singh (Sr. Adv.) ASG
	Mr. Manoj Kumar Singh, Spl.PP (ED)
	Mr. Ankit Kumar Singh, Advocate
	Mr. Shivaditya Dhari Sinha, AC to ASG

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 26-07-2024 Heard learned counsel for the petitioners and Mr. (Dr.)

K.N. Singh, learned Assistant Solicitor General assisted by Mr.

Manoj Kumar Singh, learned Spl. P.P. (Enforcement

Directorate).

2. By filing the present petitions, the petitioners are

seeking pre-arrest bail in connection with Special Trial No. (PMLA) 04 of 2022 under Section 4 of the Prevention of Money Laundering Act, 2002 (hereinafter referred to as the 'PMLA') arising out of Prosecution Complaint Case No.04 of 2022 in ECIR No.01/PTZO/2015.

3. It is submitted that the petitioner in Cr. Misc. No. 26373 of 2024, namely, Rajesh Kumar Goyal is an accused in Gandhi Maidan P.S. Case No.244 of 2014 registered under Sections 419, 420, 467, 468, 471 and 120B of the Indian Penal Code and Sections 66, 72 and 75 of the I.T. Act, 2000. The offences alleged under Gandhi Maidan police station case are schedule offences. The petitioner is on bail in the said case.

4. So far as the petitioner in Cr. Misc. No. 77169 of 2023, namely, Mohit Gupta is concerned, he has been brought within the purview of this case vide ECIR No.01/PTZO/2015.

5. Learned counsel submits that as per the prosecution case filed by Mrs. Poonam Bala, Assistant Director (PMLA), Directorate of Enforcement, Patna, the petitioners are said to be involved in acquisition, concealment and transfer of proceeds of crime.

6. The petitioners are said to be the Managing Director and Director respectively of M/s Kamper Concast Ltd.

7. Learned counsel further submits that, at this stage, the Enforcement Directorate has submitted charge-sheet against both the petitioners and the learned Special Judge (PMLA) has already taken cognizance of the offences. The learned Special Judge has issued summons to the petitioners.

8. It is submitted that during pendency of these applications, the Hon'ble Supreme Court has decided the case of **Tarsem Lal vs. Directorate of Enforcement, Jalandhar Zonal Office (Criminal Appeal No.2608 of 2024) arising out of Special Leave Petition (Crl.) No. 121 of 2024** reported in **2024 SCC OnLine SC 971** and the operative part of the judgment of the Hon'ble Supreme Court may be found in paragraph '23' of the judgment. It is submitted that in terms of paragraph '(c)' "After a summon is issued under Section 204 of the Cr.P.C. on taking cognizance of the offence punishable under Section 4 of the PMLA on a complaint, if the accused appears before the Special Court pursuant to the summons, he shall not be treated as if he is in custody. Therefore, it is not necessary for him to apply for bail. However, the Special Court can direct the accused to furnish bond in terms of Section 88 of the Cr.P.C."

9. Learned counsel submits that various other

directions have been issued by the Hon’ble Supreme Court and by virtue of those directions, he has been advised not to press these applications for anticipatory bail.

10. Learned counsel submits that the petitioners have been advised to appear in the learned court below and take appropriate steps in accordance with the judgment of the Hon’ble Supreme Court.

11. Learned Assistant Solicitor General assisted by Mr. Manoj Kumar Singh, learned Spl. P.P. (Enforcement Directorate) submits that he would have no objection to the withdrawal of the anticipatory bail applications and seeking of remedy, if any, available to the petitioners in the learned trial court, in accordance with the judgment of the Hon’ble Supreme Court in the case of **Tarsem Lal** (supra).

12. In the aforesaid view of the matter, both the applications are disposed of as withdrawn.

(Rajeev Ranjan Prasad, J)

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