IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22880 of 2025

Arising Out of PS. Case No.-4 Year-2024 Thana- E.C.I.R (GOVERNMENT OFFICIAL) District- Patna

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Sanjeev Hans, Male, aged about 51 years, S/O Sh. Lachhman Das Hans, R/O 65 A, Block A, Ranjit Avenue, P.S- Amritsar-I, Distt.- Amritsar, Punjab-143001, Currently Residing at C-35, 3rd Floor, P.S- Anand Niketan New Delhi

... ... Petitioner

Versus

The Union of India through the Assistant Director, Zonal Office, Enforcement Directorate Bank Road, Patna.

... ... Opposite Party

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Appearance :

For the Petitioner	:	Mr. Dr. Farrukh Khan, Advocate, Mr. Hemant Kumar, Advocate, Mr. Gaurav Prakash, Advocate and Mr. Aditya Tyagi, Advocate
For the Opposite Party	:	Mr. S.V. Raju (Senior Advocate, A.S.G.I-SC), Mr. Zohaib Hassain, Advocate (Special Counsel for E.D.), Mr. Tuhin Shankar, Retainer Counsel, E.D., Mr. Prabhat Kumar Singh (Spl. P.P., E.D.), Mr. Pranjal Tripathi, Advocate and Mr. Vishal Kumar Singh (L.C.,E.D.).

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

15 16-10-2025 Heard learned counsel for the petitioner and learned senior counsel for the opposite party.

2. The petitioner seeks bail in connection with Special Trial (PMLA) Case No. 10 of 2024, arising out of ECIR bearing No. PTZO/04/2024 dated 14.03.2024 registered for the offences punishable under Sections 3 and 4 of the Prevention of Money Laundering Act, 2002 (hereinafter referred to as the 'PMLA'), 2002.

3. As per the prosecution case, the DoE initiated

investigation upon instituting ECIR No. PTZO/04/2024 dated 14.03.2024, on the basis of Rupaspur P.S. Case No. 18 of 2023 dated 09.01.2023 registered for the offences punishable unde Sections 323, 341, 376, 376D, 420, 313, 120B, 504, 506 read with Section 34 of the I.P.C., against Sanjeev Hans (petitioner) (an I.A.S. Bihar Cadre 1997 Batch), Gulab Yadav (Ex. M.L.A., RJD, 2015-2020) and Lalit (servant of Gulab Yadav), alleging rape and sexual harassment of one Gayatri Kumari, cheating, criminal conspiracy, misuse of official position and involvement in corruption. In course of investigation of the said ECIR, the DoE came across information disclosing offences, as such, in exercise of power under Section 66(2), shared information vide communication dated 28.08.2024 with the Special Vigilance Unit Bihar, Patna, who, in turn, instituted F.I.R. No. 5/2024 dated 14.09.2024, for the offences punishable under Sections 61, 318(4) of B.N.S., 2023 and Section 7 read with Section 12 read with Section 13(1)(a) read with Sections 13(1)(b) read with Section 13(2) of the Prevention of Corruption Act, 1988 ('P.C'. Act,) against Sanjeev Hans (petitioner) and 13 others. Thereafter, an addendum ECIR dated 20.09.2024 was recorded on the basis of predicate offence in F.I.R. No. 5/2024 dated 14.09.2024. The accused persons have indulged in the offence of cheating and dishonestly inducing delivery of property (Section 318(4) of the B.N.S., 2023), criminal conspiracy (Section 61 of the B.N.S., 2023) and misuse of official position and bribery (Section 7 read with 12, read with 13(1)(a), r/w 13(1)(b), r/w 13(2) of the P.C. Act. It is further alleged that upon investigation, it revealed that Sanjeev Hans (petitioner) while working as Principal Secretary in the Energy Department, Government of Bihar and CMD of M/S. B.S.P.H.C.L. during the period 27.07.2020 to 01.08.2024 was involved in the corrupt practices through his close associates for undue personal gains which is proceeds of crime in the instance case. The petitioner through his close associates was involved in generating, layering and laundering of illicit money (POC) generated through the corrupt practices. He has been involved in receiving the bribe money through his associates and also in its transfer/layering and laundering. It is further alleged that on investigation, it also revealed that M/S. Genus Power Infrastructure Ltd., is one of the leading players working as Vendor/Contractor in the Energy Department, Government of Bihar, which has been awarded two major contracts for installation of a total of around 33 lakhs Smart Meters under Advance Metering Infrastructure Service Provider (AMISP) from both North and South Discom, Government of Bihar, during the year 2022-23 for Rs. 997 Crores and Rs. 2850 Crores respectively. M/S. Genus Power Infrastructure Ltd., approached Pawan Dhoot for availing his liaisoning services to secure the above mentioned contracts from the Energy Department, Government of Bihar. An agreement was made between M/S. Genus Power Infrastructure Ltd., and M/S. Dhoot Infrastructure Pvt. Ltd., for the same and it was agreed that M/S. Genus Power Infrastructure Ltd., would pay a sum of Rs. 123 Crores approximately to M/S. Dhoot Infrastructure Ltd. It is further noticed that out of the agreed sum of Rs. 123 Crores, an amount of Rs. 60 Crores approximately was transferred to the accounts of M/S. Dhoot Infrastructure in the guise of payment towards liaisoning services. It is further alleged that Jitendra Agarwal, Joint Managing Director and the son of the Chairman of M/S. Genus Group in his statement dated 03.12.2024 and 09.12.2024 recorded under Sections 17 and 50 of the PMLA, 2002 respectively was asked to provide the specific details of the services provided by M/S. Genus Power Infrastructure Ltd., as discussed in the alleged agreement and also to provide supporting correspondences wherein he failed to provide any. Substantial part of the funds so received from M/S. Genus

Power Infrastructure Ltd., by M/S. Dhoot Infrastructure Projects Limited were further transferred to the accounts of M/S. Prerna Smart Solution Private Limited, a family-owned entity of Pushpraj Bajaj. M/S. Prerna Smart Solution Private Limited received funds of Rs. 29 Crores approximately from various Dhoot Group entities viz Rs. 1.59 Crores from M/S. Dhoot Resort and Spa Pvt. Ltd., and Rs. 27.61 Crores from M/S. Dhoot Infrastructure Projects Limited. When Pushpraj Bajaj was questioned about the reason for such a substantial payment during his statement under Section 50 of the PMLA, 2002, he explained that Genus Power Infrastructure Ltd., had awarded a contract for the surveying smart meters to entities associated with the Dhoot Group. This contract, he stated, was further subcontracted to Prerna Smart Solutions. Subsequently, Prerna Smart Solutions subcontracted the work to Kolkata-based Mining and Engineering Corporation, owned by Mr. Uttam Daga, who is the brother-in-law of Pushpraj Bajaj. Pushpraj Bajaj further explained that out of Rs. 29 Crores, he paid Rs. 12 Crores to the Mining and Engineering Corporation for the alleged survey work, and the remaining Rs. 17 Crores were his profit for the liaisoning services he provided in facilitating the survey's execution. From analysis of digital devices of Pushpraj

Bajaj, various invoices and ledger have been recovered. In none of the ledgers, invoices recovered from his devices there is mention of alleged survey work as disclosed by him in his statements. It is further alleged that the facts disclosed by Pawan Dhoot in his statement recorded under Section 50 of the PMLA, 2002 dated 14.12.2024, revealed that he through his company M/S. Dhoot Infrastructure Projects Limited entered into the alleged liaisoning agreement with M/S. Genus Power Infrastructure Limited and further subcontracted it to the entity of Pushpraj Bajaj's, namely, M/S. Prerna Smart Solution Private Limited, relying upon Pushpraj Bajaj's contracts in the Energy Department, Government of Bihar, and mainly on this basis of his closeness with Sanjeev Hans (petitioner), the then CMD, M/S. BSPHCL. As regard the alleged liaisoning, he stated that he gathered inside information from the Energy Department through Pushpraj Bajaj and passed on the same to Jitendra Kumar Agarwal of Genus Group which help them in the tendering process and later in execution of the same. From analysis of the alleged agreement regarding sub-contracting of the liaisoning work between M/S. Prerna Smart Solution Private Limited and M/S. Dhoot Infra Projects Limited, it is noticed that the said agreement is signed by Pushpraj Bajaj on behalf of

M/S. Prerna Smart Solution Private Limited wherein he is neither a director nor authorized representative. This shows that the alleged agreement between M/S. Prerna Smart Solution Private Limited and M/S. Dhoot Infra Projects Limited is nothing but a doctored document created to give a genuine appearance to the sham transactions and to mask its actual nature and purpose. Further neither such details and documents could be provided by the Mining and Engineering Corporation during the course of search action under Section 17 of the PMLA, 2002 on 03.12.2024 at their premises despite availing ample opportunity to arrange such details and documents. However, an analysis of the Bank Account No. 00148470000047 of M/S. Mining and Engineering Corporation revealed that after receiving funds from the Account No. 50200065188820 of M/S. Prerna Smart Solutions Pvt. Ltd., an amount of Rs. 1.85 Crores have been transferred first to the Account No. 00148470000047 and 915030035984399 of M/S. Mining and Engineering Corporation maintained with HDFC Bank and Axis Bank respectively. Further after receipt of the amount, equal amount of Rs. 1.85 Crores have been transferred to the Account No. 50200038547509 of M/S. Jagannath Financial Advisory Pvt. Ltd., maintained with HDFC Bank.

Further, money trail in the account of M/S. Jagannath Financial Advisory Pvt. Ltd., revealed that after credit of the amount into its account, almost equal amount of Rs. 1.85 Crores have been transferred to the Account No. 50200065188820 of M/S. Prerna Star Solutions Pvt. Ltd., Account No. 50100349850421 of Prerna Bajaj (daughter of Pushpraj Bajaj) and Account No. 50100349850405 of Pushpraj Bajaj and Account No. 30100331293298 of Sunita Bajaj (wife of Pushpraj Bajaj), all accounts maintained with HDFC Bank. This pattern of transactions unequivocally exposes a scheme of money laundering orchestrated by Pushpraj Bajaj and Uttam Daga. It is further alleged that during search operation conducted on 16.07.2024 at the office premises of M/S. Matriswa Infra Pvt. Ltd., at Shanti Kunj, S.K. Vihar, Patna, a sub-contractor for Water Resources Department, Bihar Government, various incriminating documents and details were recovered and seized. It is pertinent to mention here that M/S. Matriswa Infra Pvt. Ltd., has done a project of desilting of Paimar River in Bihar Sharif district of Bihar as Sub-contractor of M/S. Tribeni Construction Pvt. Ltd. Perusal of these documents reveal its illegitimate transactions as bribe given to various Government employees of the Water Resources Department, Government of

Bihar. Pawan Kumar, one of the Directors of M/S. Matriswa Infra Private Limited during recording of his statement under Sections 17 and 50 of the PMLA, 2002 on 16.07.2024 and 18.07.2024 stated about one narration recorded in the sheet extracted from digital device installed in the office of M/S. Matriswa Construction Pvt. Ltd., as ‘S sir’ against an amount of Rs. 67 Lakhs and explained that “S sir” refers to then W.R.D., Secretary Sanjeev Hans and whom he had been paid the said amount in cash as commission under instruction from Suresh Singla. It is further alleged that Pawan Kumar in his statement dated 18.07.2024 recorded under Section 50 of the PMLA, 2002 has further revealed that on directions of Suresh Kumar Singla, he had incorporated a company namely, M/S. Matriswa Infra Private Limited and made Varun Singla, son of Suresh Singla, another Director in the said company. During the course of investigation, it was revealed that Suresh Kumar Singla shares a very close relationship with Sanjeev Hans (petitioner) which can be corroborated from chats extracted from Sanjeev Hans’s mobile. Also, Sanjeev Hans in his statement stated that Suresh Singla had sent him transfer requests of W.R.D. officials, provided him daily utilities, provided renovation work for Sanjeev Hans’s father’s house in Chandigarh Housing Board.

Apart from the cash transactions of Rs. 67 lakhs, Pawan Kumar in his statement dated 16.07.2024 and 18.07.2024 given under Sections 17 and 50 of the PMLA., 2002 respectively, mentioned that on the direction of Suresh Singla, Rs. 50 lakhs was transferred from the Account No. 59210300000001 of M/s Matriswa Infra Pvt. Ltd. maintained with H.D.F.C. Bank to the Account No. 00351000236668 of Kamal Kant Gupta (Samdhi of Suresh Singla) on 24.07.2020. Pawan Kumar, Director of M/s Matriswa Infra Pvt. Ltd. in his statement under Section 50 of the PMLA., 2002, revealed that transfer of the said amount of Rs. 50 lakhs to Kamal Kant Gupta were nothing but bribe given to Sanjeev Hans when Sanjeev Hans was Secretary of the Water Resources Department. It was further revealed that all such payments is in the nature of kickbacks (bribe) made on instruction of Suresh Singla. It is further alleged that Jitendra Kumar Singh, one of the accused in ECIR. No. PTZO/14/2023 and an employee of Subhash Yadav and the Director of M/s Bansidhar Construction Pvt. Ltd. (a contractor of Water Resources Department of Government of Bihar), in his statement recorded under Section 50 of the PMLA., 2002 had accepted to have given cash of Rs. 85 lakhs to Gulab Yadav in four transactions of Rs. 20 lakhs, 2 lakhs and Rs. 50 lakhs through one Vikash and himself gave on 22.01.2020 an amount of Rs.13 lakhs to Gulab Yadav at his residence situated at Rukanpura, Patna, under instruction from Subhash Yadav, after the company M/s Bansidhar Construction Pvt. Ltd. got tender of a project in Katihar from the Water Resources Department during the period 2019-20. The above said payments to Gulab Yadav were found to be recorded in a pen drive. He stated that such payments were made to Gulab Yadav as he used to liaison in the Water Resources Department, Government of Bihar, when Sanjeev Hans was the Secretary of the Water Resources Department. This fact has also been corroborated from the Whatsapp chats between Sanjeev Hans and Gulab Yadav extracted from the mobile phones of Sanjeev Hans wherein Gulab Yadav sent Whatsapp message to Sanjeev Hans requesting for awarding of tender to Bansidhar Construction Pvt Ltd. Apart from the request for Bansidhar Constructions Pvt Ltd, Gulab Yadav also used to request for transfer posting of officers of Water Resources Department, Govt. of Bihar. It is further alleged that the WhatsApp chats of Sanjeev Hans and Vipul Bansal were forensically extracted from the mobile phone of Sanjeev Hans. From the extracted chats, it was revealed that Vipul Bansal approached Sanjeev Hans to get favourable orders from the National Consumer Dispute Redressal Commission (NCDRC) in case of builder buyer dispute of M/s East and West Builders (sister concern of M/s RNA Corp) and its promoters. During June, 2014-July, 2019, Sanjeev Hans was working as Private Secretary to the then Minister of Consumer affairs, Food and Public Distribution. The said ministry is the nodal ministry for the NCDRC. In the statements, Vipul Bansal stated to have arranged meeting between Sanjeev Hans and Anubhav Agarwal (one of the promoters of RNA Group) in which Anubhav Agarwal agreed to pay bribe of Rs. 1 Crore to Sanjeev Hans to get favourable outcomes from the NCDRC. Vipul Bansal further stated that Sanjeev Hans managed two separate dates from the NCDRC Bench for M/s East and West Builders for compliance of the Bench's order and also managed non-arrest of Saranga Agarwal, promoter director of M/s East and West Builders. Further, it was revealed that Pushpraj Bajaj was an associate of Sanjeev Hans who was dealing illegal gratification and he also helped Sanjeev Hans in layering, laundering and concealment. He further stated that the bribe amount was paid to Sanjeev Hans through Shadab Khan and Pushpraj Bajaj. The digital data extracted from the mobile phones of Shadab Khan and Pushpraj Bajaj revealed various photographs of Indian currency notes.

Additionally, their WhatsApp chats contained information such as note numbers, amounts, and the contact details of various individuals. These pieces of evidence substantiate their involvement in hawala transactions, demonstrating that they are habitual operators engaged in sending and receiving money through the hawala route. Moreover, in their statements recorded under Section 50 of the PMLA, 2002 dated 31.10.2024 and 02.11.2024 respectively, Pushpraj Bajaj and Shadab Khan stated to having received/sent money via the hawala route. It is further alleged that during search operation conducted on 16.07.2024 at the residential premises of Sanjeev Hans, at B-3 Shashtri Nagar, BSPHCL Colony, Patna and third floor, C-35, Anand Niketan, Delhi, 15 luxury watches of national/international brands worth Rs. 66 lakhs (approximately) were recovered and seized. In his statement recorded under Section 17 of the PMLA, 2002, Sanjeev Hans revealed that he took these watches as gifts from various companies. Accepting such expensive gifts is in violation of Rule 5 of All India Services Conduct Rules. Further, with regard to the recovery of luxury watches from third floor, C-35, Anand Niketan, Delhi, Harloveleen Kaur, wife of Sanjeev Hans, stated during her statement under Section 17 of the PMLA, 2002 dated

16.07.2024 that these watches belong to her husband Sanjeev Hans. Further, gold jewellery around 1500 gm. worth Rs. 1.1 Crores approximately were found. Sanjeev Hans in his statement stated that the jewellery recovered from his residence belong to him and his wife. It is here pertinent to mention that Sanjeev Hans had not disclosed details of these jewellery and luxury watches that were found during search proceedings in his property return. It is further alleged that on investigation, it was revealed that part of the proceeds of crime was being utilised for payments to Gayatri Kumari. Gayatri Kumari in her statement recorded under Section 50 of the PMLA, 2002, has confirmed the allegations made by her in the FIR No. 18/2023 dated 09.01.2023 and also confirmed receipt of payment of Rs. 90 lakhs through banking channels and Rs. 2.44 Crores through hawala channels from Sanjeev Hans through one Sunil Kumar Sinha. She confirmed that such payments of Rs. 3.34 Crores were received from Sanjeev Hans and the same were utilized by her to purchase a flat, land in Prayagraj, U.P and a Tata Safari. Sunil Kumar Sinha in his statement dated 25.07.2024 recorded under Section 50 of the PMLA, 2002 accepted to have transferred an amount of Rs. 90 lakhs to Gayatri Kumari and gave Rs. 2.44 Crores to Gayatri Kumari in cash via hawala route, under instruction from Sanjeev Hans. Madhukar Mishra, real estate person of Allahabad had stated in his statement recorded under Section 50 of the PMLA, 2002 that Sunil Kumar Sinha along with Gayatri Kumari visited his office with cash of Rs. 2.44 Crores and counting of the said cash was done in his office in front of him. He received Rs. 1.70 Crores from Gayatri Kumari for purchase of one land. He later received Rs. 20 lakhs as profit in deal and on knowledge of ED investigation and linkage of the money received by him with proceeds of crime, he submitted a Fixed Deposit of Rs. 20 Lakh to this office. It is further alleged that during search operations at the residence of Pushpraj Bajaj i.e., CD 151, Salt Lake, Sector 1, Kolkata on 11.09.2024, three diaries were found and seized from the said residence. On perusal of these diaries, it revealed details of 70 Bank accounts that were mentioned in these diaries. It was also revealed that cash deposits were made in these accounts. These accounts were in the name of Pushpraj Bajaj, Uttam Daga and their family members. The investigation uncovers a well-orchestrated conspiracy by which Sanjeev Hans in connivance with Pushpraj Bajaj layered and concealed the proceeds of crime. Pushpraj Bajaj in his statements given under Section 50 of the PMLA, 2002 recorded on 02.11.2024, 03.11.2024, 16.11.2024, 17.11.2024 and 18.11.2024 stated that by availing unsecured loans from Kolkata-based paper entities, has been investing in share market trading via demat accounts in the names of his family members. When enquired, he explained that after coming in contact with Sanjeev Hans he started availing these alleged unsecured loans. However, he stated that he lacked any knowledge of most of these entities and failed to provide supporting documents, highlighting the use of fictitious transactions to obscure the origin of funds. It is further alleged that it was revealed that an amount of Rs. 50 lakhs received from the account of M/s Matriswa Infra Pvt Ltd, was further transferred to one Jatinder Kumar Sangari, a property dealer of Panchkula. An Industrial Plot, admeasuring 500 Sq. Yard in Sector 101A, IT City, Mohali was purchased by Kamal Kant Gupta in his name and his son-in-law i.e., Varun Singla on 31.08.2020 for an amount of Rs. 92.50 lakhs. The investigation revealed that out of Rs. 92.50 lakhs, Rs. 10 lakhs was paid to Jatinder Kumar Sangari from the Account No. 913010025523731 of Harloveleen Kaur through Cheque No. 107782 on 24.08.2020. It is also pertinent to mention here that the said transfer of property had not been completed but kept open by executing transfer of property through general power of attorney in the name of Kamal Kant Gupta and Varun Singla so that later at a suitable time the same can be get registered in the name of Harloveleen Kaur. It appears that property was purchased for Sanjeev Hans. It is further alleged that Suresh Singla has also facilitated a few real estate transactions through Kamal Kant Gupta for Sanjeev Hans. The investigation revealed that two villas at Glenview Resort Kasauli in the name of L.D. Hans i.e., father of Sanjeev Hans and Gurbaltej Singh i.e., brother-in-law of Sanjeev Hans was booked and advance of Rs. 1.05 Crores and Rs. 1.20 Crores respectively against the value of Rs. 2.5 Crores for each villa was paid. Further, 4 cottages at Glenview Villas, Kasauli, were purchased in the name of Varun Singla and his mother-in-law Anita Gupta, two cottages each. Also, one property at Ghitorni Village, New Delhi, was purchased by Kamal Kant Gupta. The funds for the same were arranged by Suresh Kumar Singla. It is further alleged that Praveen Chaudhary in his statement dated 16.07.2024 given under Section 17 of the PMLA, 2002 and statement dated 16.11.2024 revealed that he purchased the said flat at Third floor, C-35, Anand Niketan, New Delhi, on 24.03.2023 from Gudo Luthra for a total consideration of Rs. 6.25 Crores. He mentioned that this amount was arranged via Overdraft of Rs.

3.5 Crores from his company M/s Splicenet Constructions and loan of Rs. 3 Crores from the bank. A search operation was conducted at the residential premises of Amit Vadhera who had acted as broker between Gudo Luthra and Praveen Chaudhary and statement of Amit Vadhera was recorded on 31.07.2024 under Section 17 of the PMLA, 2002 wherein he stated that the actual consideration amount for purchase of flat was Rs. 9.60 Crores. Out of Rs. 9.60 Crore, Rs. 6.25 Crores was paid by Praveen Chaudhary to Gudo Luthra through banking channel and Rs. 3.35 Crores was paid in cash. From the examination of the mails of Amit Vadhera, final draft of the sale agreement between Gudo Luthra and Praveen Chaudhary was found which contained sale consideration as Rs. 9.60 Crores, hence, the facts disclosed by Amit Vadhera in his statement are corroborated with documentary evidences. Amit Vadhera further revealed that final approval to Praveen Chaudhary for purchase of the flat was given by Sanjeev Hans and his wife Harloveleen Kaur. Vinod Kumar (employee of Amit Vadhera) in his statement dated 31.07.2024 under Section 17 of the PMLA, 2002 stated that Sanjeev Hans and his wife along with Praveen Chaudhary visited the flat C-35, Anand Niketan 2-3 times before finalization of the deal. It is further alleged that M/s Progrowth

Enterprises (prop: Mona Hans, W/o Sanjeev Hans) is running and its CNG station was incorporated on the land which was purchased in the name of Ambika Yadav. The said land was purchased by Gulab Yadav in July 2015 for a total consideration of Rs. 1.80 Crores. It is submitted that the sale consideration to the extent of Rs. 86 lakhs was given by Gulab Yadav and Ambika Yadav for purchasing the said land and the fund for the same was sourced from the bank accounts of Anand Trading Corporation (entity of Devinder Singh Anand). It is pertinent to mention that huge cash deposits have been made in Bank Account No. 603805021192 of Anand Trading Corporation maintained with ICICI by Gulab Yadav or under his instruction. Datta Dilip Awsarmal, Manager at M/s Progrowth Enterprises at Pune in his statement dated 16.07.2024 recorded under Section 17 stated that the CNG Pump had been run jointly by Harloveleen Kaur and Gulab Yadav.

4. Learned senior counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner is a 1997 Batch Indian Administrative Service (IAS) officer of Bihar Cadre, with an unblemished and distinguished record of public service. An alumnus of the Indian Institute of Technology (IIT), the

petitioner has held senior positions in the State, including over a decade as District Collector and, subsequently, as Secretary in the Finance Department, Principal Secretary in Departments of Water Resources and Energy and Public Health Engineering. His tenure has been marked by impactful governance initiatives such as the Ganga Water Supply Scheme, the GayaJi Rubber Dam on Falgu River and the revival of power distribution companies (DISCOMs) from loss making entities to profit centers by efficient revenue management and pioneering smart metering interventions. He has played a critical role in the implementation of national welfare programs like the Ethanol Blending, P.M. Garib Kalyan Anna Yojana and One Nation-One Ration Card while working as Private Secretary to Union Cabinet Minister for Food & Public Distribution and Consumer Affairs. His service has been widely recognized through several awards, including the Satyen Maitra Memorial Literacy Award (2008), the Skoch Gold Award (2023-24), and most recently, the Bihar State Power Holding Company Ltd., was conferred the Gold Category Award at the *ET Government DigiTech Awards 2025* (held on 18.03.2025) for its pioneering efforts under his leadership in Universal Smart Prepaid Metering between the period of 2021 and 2023. It is further submitted that the present prosecution stands in stark contradiction to the petitioner's impeccable service record and integrity, and is a result of deliberate misrepresentation, distortion of facts, and procedural misuse by the Opposite Party/E.D. It is further submitted that the ECIR dated 14.03.2024 stands vitiated on multiple legal grounds. The purported predicate offence, i.e., FIR No. 18/2023, had been stayed by the Hon'ble Supreme Court since 22.09.2023 (*Annexure P5 @ Page 568).* Importantly, the said FIR does not contain any specific allegation against the petitioner under Section 420 of the I.P.C., nor does it indicate any instance of generation of proceeds of crime, or abuse of official position, both of which are prerequisites under the PMLA. It is further submitted that despite being fully aware that FIR No. 18/2023 was pending for final orders before this Hon'ble Court, the ED maliciously proceeded to conduct search and seizure operations on 16.07.2024, in complete disregard of judicial propriety and without awaiting adjudication, thereby undermining the sanctity of ongoing judicial proceedings. It is further submitted that subsequently, FIR No. 18/2023 was quashed by this Hon'ble Court on 06.08.2024 (*Annexure P3 @ Page 481)*, having been found to be the result of malicious prosecution. The continuation of proceedings under the PMLA thereafter is legally untenable and lacks jurisdictional foundation. ***Reliance is placed on Para 253, 467(d) of Vijay Madanlal Choudhary & Ors. Vs. Union of India & Ors., 2022 SCC OnLine SC 929; Para 16 of Pavana Dibbur Vs. Directorate of Enforcement 2023 SCC OnLine 1586; Para 4 of Yash Tuteja and Anr. Vs. Union of India and Ors. (2024) 8 SCC 465, Para 9 of Parvathi Kollur and Anr. Vs. State by Directorate of Enforcement 2022 SCC OnLine 1975; Para 22, 23 of Harish Fabiani and Ors. Vs. Enforcement Directorate and Ors. (2022) SCC OnLine Del 3121; Para 25 of P. Chidambaram V. Directorate of Enforcement (2019) 9.SCC 24.*** It is further submitted that notably, the ED has misled this Hon'ble Court and the learned Special Judge by repeatedly citing FIR 18/2023 as the predicate offence in the Prosecution Complaint, First Supplementary Complaint, and Second Supplementary Complaint, when no such allegations are made against the petitioner within the FIR, nor do the factual circumstances warrant invocation of PMLA. It is further submitted that in a calculated and deliberate attempt to circumvent the quashing of FIR No. 18/2023 by this Hon'ble Court vide order dated 06.08.2024, the ED misused the provisions of Section 66(2) of the PMLA, 2002 by transmitting identical and recycled allegations to the State Vigilance Unit

(SVU) on 28.08.2024, thereby orchestrating the registration of FIR No. 05/2024 dated 14.09.2024. It is respectfully submitted that the said FIR, initiated solely at the instance of the ED, is still under preliminary investigation, and no charge sheet has been filed till date. The proceedings remain inconclusive, further underscoring the speculative and premature nature of the allegations that have been subsequently relied upon by the ED in initiating the present prosecution. It is further submitted that in the absence of any FIR or formal finding by the predicate agency, the ED nonetheless arrogated unto itself unlawful investigative authority and proceeded to conduct search and seizure operations on 10.09.2024 and 11.09.2024. These actions were undertaken without jurisdiction and in complete disregard of the statutory mandate under the PMLA, which requires a duly registered predicate offence as a *sine qua non* for the invocation of its powers. By conducting such coercive actions in the absence of a valid predicate offence, the ED usurped the role of the investigating agency under the scheduled offence, and acted upon presumptive guilt and unsubstantiated generation of proceeds of crime, thereby flouting the federal structure, rendering the entire process unconstitutional and legally untenable. ***Reliance is being placed on Para 14 of Ahsan***

Ahmad Mirza Vs. Directorate of Enforcement 2024 SCC OnLine J&K 674. It is further submitted that in ***M/s Prakash Industries Ltd. v. Union of India, 2023 SCC OnLine Del 36,*** the Hon'ble Delhi High Court unequivocally held that the ED is empowered solely to investigate offences under Section 3 of the PMLA, i.e., money laundering. It cannot independently investigate the predicate offences, which remain within the exclusive domain of the designated statutory investigative agencies. If, during the course of its inquiry, the ED comes across material indicative of the predicate offences, it is mandated to forward such evidence to the competent authority and cannot assume jurisdiction over those offences itself. It is further submitted that this foundational principle was recently reaffirmed by the Hon'ble High Court of Judicature at Madras in ***R.K.M. Powergen Private Limited v. The Assistant Director & Others, W.P. Nos. 4297 & 4300 of 2025 (dated 15.07.2025).*** The Hon'ble High Court observed in unequivocal terms that *"the ED is not a super cop to investigate anything and everything which comes to its notice."* It emphasized that the ED's jurisdiction is triggered only when there is a *"criminal activity"* that attracts a scheduled offence under the PMLA, which in turn generates *"proceeds of crime."* Only upon the existence of such a predicate offence the ED have the legal authority to act under the PMLA. The Hon'ble Court aptly described the predicate offence as *"the ship,"* and the PMLA proceedings as *"a limpet mine attached to the ship."* Without the ship, that is, the predicate offence and proceeds of crime, the ED has nothing to anchor its jurisdiction. It cannot operate like *"a loitering munition or drone to attack at will on any criminal activity."* It is further submitted that in the present case, the ED appears to be investigating alleged misconduct and conspiracy in the absence of any registered FIR or formal determination of a predicate offence. This constitutes an egregious overreach of its statutory mandate and stands in clear violation of the constitutional and legal principles. The ED's assumption of jurisdiction without a lawful and pre-existing predicate offence is not only premature but legally unsustainable. It amounts to an impermissible encroachment upon the functions of other competent investigative bodies, rendering the ongoing investigation biased, arbitrary, and devoid of legal foundation. Both the Hon'ble Delhi and Madras High Courts have underscored that investigative agencies must act strictly within the bounds of law. Any deviation from this mandate distorts the constitutional balance and infringes upon the rights of individuals subjected to unwarranted investigation. Therefore, in the absence of a valid predicate offence, the ED's present inquiry cannot be sustained in law. It is further submitted that the Addendum ECIR dated 20.09.2024 has been registered with the sole intent to revive an otherwise infructuous and extinguished ECIR, and to circumvent the binding judicial directions issued by this Hon'ble Court. Notably, the said Addendum ECIR is premised entirely upon FIR No. 05/2024, which was registered at the behest of the ED and is itself pending investigation without any charge-sheet or conclusive findings. In such circumstances, the Addendum ECIR is not only premature and without jurisdiction, but also ultra vires the statutory scheme of the PMLA, which contemplates action only upon the existence of a legitimate and substantiated predicate offence. The Addendum ECIR, therefore, suffers from foundational illegality and is void *ab initio.* It is further submitted that after a prolonged period of over seven months of silence and inaction, the petitioner was abruptly served with a summons dated 17.10.2024, directing his appearance on 18.10.2024. The petitioner promptly acknowledged and confirmed his intention to appear, as evident from the communication placed on record *(Annexure P7A @ Page 580).*

Despite such willingness to comply, the ED proceeded to conduct a pretentious and unjustified search, and arrested the petitioner on 18.10.2024, citing alleged non co-operation, which is entirely unfounded and contrary to the record. It is further submitted that the petitioner has assailed the legality of his arrest by filing Writ Petition (Cr.W.J.C. No. 2578/2024) before this Hon'ble Court. The said arrest is manifestly arbitrary, illegal, and in violation of settled principles of law, inasmuch as: The petitioner had never been summoned previously for investigation; No incriminating material was recovered during the search conducted on 18.10.2024; No cogent reason was provided by the ED to justify the petitioner's arrest within 24 hours of issuance of summons, despite the fact that he had communicated his intention to appear as per schedule. The arrest, therefore, amounts to misuse of coercive powers and is prima facie violative of the safeguards enshrined under Article 21 of the Constitution of India and the statutory framework of the PMLA. ***Reliance is being placed on Para 24, 25 of Arvind Kejriwal V. CBI 2024 SCC OnLine SC 2550; Para 33 of Pankaj Bansal V. Union of India 2023 SCC OnLine SC 1244.*** It is further submitted that in the present bail petition, the petitioner has placed on record a comprehensive and point-wise rebuttal to each of the allegations levelled by the ED, as detailed in paragraph 42 (pages 66-135). For the sake of convenience, a concise summary of the said rebuttal is set out hereinafter. It is further submitted that the articles seized from the rented premises in Delhi and the official residence at Patna allegedly includes 1100 grams of gold jewellery and fifteen wrist watches (six of which were found gift packed in original packaging contents of which were unknown to the petitioner). All such items are duly explained as personal belongings of the petitioner and his family, and importantly, are declared properties as per applicable service rules. No nexus with the alleged proceeds of crime is established. *(Annexure P17 @ Page 736; Annexure P18 @ Page 746 and Annexure P19 @ Page 795).* It is further submitted that Mrs. Harloveleen, wife of the petitioner, has been operating a CNG Station in Pune since 2017 under a valid licence issued by Maharashtra Natural Gas Limited (MNGL), a public sector undertaking. The licence fee and bank guarantee have been paid entirely from her independent income sources, with no financial contribution whatsoever from the petitioner. The operations of the said CNG Station are fully traceable to gas sales revenue, and all accounts are disclosed annually even to the State Government in compliance with the service rules applicable on the petitioner. It is further submitted that the land on which the said CNG Station is situated initially belonged to Mrs. Ambika Yadav, and monthly rent of Rs. 1.5 lakhs was regularly paid to her from 2017 to December 2023. The said land was later purchased in December 2023 by Mrs. Harloveleen for Rs. 1.65 Crores through a registered deed, comprising ₹ 1.20 Crores bank loan and Rs. 45 lakhs from her own savings, both traceable and lawfully accounted for. ***(Annexure P13 @ Page 658 and Annexure P14 @ Page 681).*** It is further submitted that an isolated incident from May 2019, where Mr. Gulab Yadav misused a blank cheque (kept at the gas station for emergency purposes) to deposit Rs. 15 lakhs into his own account, was strongly objected by Mrs. Harloveleen. On her insistence, the full amount was returned by Gulab Yadav in three instalments. This private dispute has no connection with the petitioner and has been twisted to establish criminal intent. *(Annexure P15 @ Page 717).* It is further submitted that transactions between Mrs. Harloveleen and Mr. Kamal Kant Gupta, a property dealer from Chandigarh, pertains to an aborted property deal in 2020, wherein Rs. 30 lakhs was given in advance via banking channels. Out of this, Rs. 20 lakhs has already been refunded and Rs. 10 lakhs is pending. This is a civil transaction wholly unconnected to the petitioner. It is further submitted that the residential property C-35, Anand Niketan, New Delhi is being occupied by the petitioner's family under a valid notarised rent agreement executed in July 2023. Rent of ₹1.5 lakh per month is being transferred from the current account of Mrs. Harloveleen's company to Mr. Praveen Chowdhury, the owner. Mr. Chowdhury has no contractual or professional engagement with any department wherein the petitioner was posted. The allegation of benami ownership is therefore without substance or evidence. *(Annexure P11 @ Page 651 and Annexure P12 @ Page 654).* It is further submitted that the vague allegations regarding benami properties allegedly facilitated by Mr. Suresh Singla are devoid of any documentary or financial trail implicating the petitioner. No role of the petitioner is discernible in the purchase of properties by Mr. Kamal Kant Gupta, Mr. Varun Singla, or Mrs. Anita Gupta. No governmental contracts or tenders have been awarded to SP Singla Construction Pvt. Ltd., in Water Resources Department and Energy Department and no financial link exists between the petitioner and the said company. It is further submitted that the alleged financial connections between Mr. Pawan Kumar /Matriswa Infra Pvt. Ltd. and associates of

Suresh Singla are entirely in the private domain and unrelated to the petitioner. There is no evidence of the petitioner's involvement or knowledge in these private arrangements. It is further submitted that the allegations against the petitioner involving purported financial dealings with Shadab Khan and Pushpraj Bajaj are entirely unfounded, speculative, and devoid of any evidentiary basis. The petitioner had, at best, a limited personal acquaintance with Pushpraj Bajaj, and the attempt by the ED to establish a criminal nexus merely on the basis of such association is patently mischievous. The petitioner cannot be held liable for the alleged transactions or activities of either Pushpraj Bajaj or Shadab Khan, absent any cogent evidence demonstrating his knowledge of, participation in, or benefit from such acts. The reliance placed on purported WhatsApp chats and statements recorded under Section 50 of the PMLA, 2002, without any corroborative financial trail linking the same to the petitioner, renders the allegations purely conjectural. In fact, no material has been placed on record by the ED to show that the petitioner directed, received, or facilitated any proceeds of crime through either Bajaj or Khan. It is a matter of record that several such co-accused have already retracted their statements, thereby rendering the credibility of these statements highly questionable. It is trite law that statements under Section 50 of the PMLA, 2002, in the absence of independent corroboration, are not substantive pieces of evidence and cannot, by themselves, sustain a charge of money laundering. It is further emphasized that mere use of a common Chartered Accountant or occasional assistance for travel arrangements does not amount to involvement in money laundering or concealment of illicit funds. These allegations are nothing but an orchestrated attempt to create a false narrative against the petitioner in the absence of substantive proof. It is further submitted that the Kasauli property valued at ₹ 2.5 Crores, alleged to be benami in nature, was booked by Shri L.D. Hans, the father of the petitioner, who is a retired Punjab Civil Services Officer aged 84 years. A sum of ₹ 1.05 Crores was paid by him from his own bank account to the RERA account of the developer. Similarly, another property at Kasauli was booked by Mr. Gur Sartaj Singh, the brother-in-law of the petitioner, working in London since 2014. The payments totalling ₹ 1.2 Crores have been made from his own overseas account. There is no financial linkage to the petitioner. *(Annexure P9 @ Page 597 and Annexure P10 @ Page 634).* It is further submitted that the allegation concerning M/s East and

West Builders (sister concern of RNA Corp) securing favourable orders from the NCDRC is factually incorrect and mischievous. The petitioner had ceased to be the Private Secretary to the then Minister of Consumer Affairs w.e.f. 30.05.2019, while the impugned case proceedings in the NCDRC took place post that period. The Commission is an independent judicial body and not subject to executive influence. The allegation of ₹ 1 Crore bribe is thus wholly fabricated and bereft of legal tenability. It is further submitted that none of the individuals named by the ED, including Mr. Suresh Kumar Singla, Mr. Sunil Kumar Sinha, Mr. Gulab Yadav, Ms. Gayatri Kumari or Mr. Praveen Chowdhury, have been awarded any contract or favour by any government department under the petitioner's charge. Mere acquaintance or proximity cannot be the basis to presume a criminal conspiracy or money laundering activity in the absence of credible material. It is further submitted that at no point the ED has been able to show that the petitioner is in possession of or has dealt with any property or proceeds of crime, directly or indirectly. The allegations made are speculative, presumptive, and unsupported by any cogent or credible evidence as required under the rigours of Section 3 read with Section 2(u) of the PMLA, 2002. It is further submitted that the investigation does not reveal any scheduled offence-based proceeds of crime laundered by the petitioner, nor is there any nexus between the petitioner and the alleged predicate offenders or events. Therefore, the stringent twin conditions under Section 45(1) of the PMLA, 2002 cannot be mechanically invoked in the absence of foundational satisfaction on *prima facie* guilt and likelihood of commission of offence upon release. It is further submitted that the present prosecution rests entirely on two weak and legally untenable pillars: (i) Statements recorded under Section 50 of the PMLA, 2002 which are not substantive evidence and lack evidentiary weight in the absence of independent corroboration; and (ii) Alleged WhatsApp conversations, selectively extracted, devoid of proper context, and misinterpreted to suit a preconceived narrative. ***Reliance is being placed on [para 38,40,44,45 of Prem Prakash Vs. Union of India Through Directorate of Enforcement (2024) 9 SCC 787; Para 24 of Sanjay Kansal V. Directorate of Enforcement 2024 SCC OnLine De; 9569; Para 104, 108, 109, 110, 111 of Adnan Nisar V. Directorate of Enforcement 2024 SCC OnLine Del 6498; Para 58, 59, 60 of Raman Bhuria Vs. Directorate of Enforcement 2023 SCC OnLine Del 657; Para 60,61,62 of Sanjay Jain Vs. Enforcement Directorate 2024 SCC OnLine***

Del 1656.] It is further submitted that the ED has not produced any independent evidence linking the petitioner to any monetary transactions involving alleged proceeds of crime. Without such direct financial proof, the allegations under PMLA are purely speculative and devoid of legal merit. ***Reliance is placed on [Para 37, 38 of Razorpay Software Pvt. Ltd. V. Union of India 2024 SCC OnLine Kar 23.]*** It is further submitted that notably, at least five co-accused have formally retracted their statements, citing coercion, inducement, and procedural impropriety. It is now well settled that retracted confessional statements, particularly those made under duress or inducement, cannot form the sole basis for denying bail, as reiterated by the Hon'ble Supreme Court in multiple decisions. ***Reliance is being placed on [Para 104, 108, 109, 110, 111 of Adnan Nisar V. Directorate of Enforcement 2024 SCC OnLine Del 6498; Para 58, 59, 60 of Raman Bhuria Vs. Directorate of Enforcement 2023 SCC OnLine Del 657; Para 60,61,62 of Sanjay Jain Vs. Enforcement Directorate 2024 SCC OnLine Del 1656.]*** It is further submitted that the ED's investigation, though without jurisdiction, has remained selectively focused on the petitioner, without examining the actual decision-making framework within the departments concerned. In particular: No officials from the Water Resources or Energy Departments, where the alleged offences are said to have occurred, have been examined and no members of Tender Committees or Boards of Energy Companies have been interrogated, despite the existence of corporate governance mechanisms mandating collective decision-making. This selective targeting underscores the motivated nature of the prosecution. It is further submitted that there is no digital, documentary, or oral evidence whatsoever to demonstrate any demand or acceptance of any alleged illegal gratification by the petitioner or any third party acting on his behalf. No financial trail has been unearthed to support the core allegation of money laundering. It is further submitted that it is a sacrosanct principle of criminal jurisprudence that prosecution must be supported by clear and cogent evidence. The entire approach in the present matter, ranging from the unceremonious search at the petitioner's residence to the reliance on coerced statements, demonstrates a clear lack of substantive proof. ***Reliance is being placed on Para 35,36 of Vijay Agrawal Vs. Enforcement Directorate (2023) 2 HCC (Del)651; Para 59 of Hemant Soren Vs. Enforcement Directorate 2024 SCC OnLine Jhar 2041.*** It is further submitted that the order of cognizance passed by the Learned Special Court under the

PMLA, 2002 is patently violative of Section 223 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), which mandates the learned court to afford the accused an opportunity of being heard prior to taking cognizance. The omission of this mandatory step renders the cognizance procedurally flawed and *non est* in law. ***Reliance is being placed on Kushal Kumar Agarwal v. Directorate of Enforcement 2025 INSC 760.*** It is further submitted that the petitioner fully satisfies the twin conditions under Section 45 of the PMLA, 2002. There is no material to suggest his involvement in the alleged offence or generation of proceeds of crime; and He is a person of high integrity and repute, and is not likely to commit any offence while on bail. ***Reliance is being placed on Para 11,12,14 &15 of Prem Prakash Vs. Union of India Through Directorate of Enforcement (2024) 9 SCC 787; Para 400 of Vijay Madan Lal Choudhary and Ors. V. Union of India and Ors. 2022 SCC OnLine SC 929.*** It is further submitted that the trial is at a nascent and preliminary stage, the Prosecution Complaint and Supplementary Complaints run over 26,739 pages, over 179 witnesses are cited, many of whom are located across different jurisdictions, charges are yet to be framed, and trial is not expected to commence in the near future. ***Reliance is being***

placed on Para 53,54 of Manish Sisodia Vs. Directorate of Enforcement 2024 SCC OnLine SC 1920; Para 21 of Jalaluddin Khan Vs. Union of India 2924 SCC OnLine SC 1945; Para 25, 26, 27 of V Senthil Balaji Vs. Deputy Director, Directorate of Enforcement 2024 SCC OnLine SC 2626; Para 24, 25 of Pankaj Kuamr Tiwari Vs. Enforcement Directorate 2024 SCC OnLine Del 7387; Para 47, 48, 49, 50, 51, 52 of Parvez Ahmed Vs. Directorate of Enforcement 2024 SCC OnLine Del 8528; Para 80 of Chanpreet Singh Rayat Vs. Enforcement Directorate 2024 SCC OnLine Del 6264; Para 17 of Union of India v. K.A. Najeeb, (2021) 3 SCC 713; Para 13 of Prem Prakash Vs. Union of India Through Directorate of Enforcement (2024) 9 SCC 787. It is further submitted that the trial in the predicate offence has not even commenced. As held, the trial under the PMLA cannot attain finality until the trial in the predicate offence concludes, thereby making continued incarceration of the petitioner untenable and unjust. It is further submitted that the petitioner is in judicial custody for about one year. Such prolonged pre-trial incarceration amounts to punishment without trial which is contrary to the established principles of criminal jurisprudence and the rights guaranteed under Article 21 of the Indian Constitution. It is further submitted that the petitioner is a permanent resident of the address mentioned in the memo of parties and has deep social and family roots, and has never evaded the process of law. The ED has already completed its investigation and seized all relevant material. There exists no likelihood of tampering with evidence or influencing witnesses. In view of the facts stated above, the legal submissions advanced, and the authoritative precedents relied upon, the petitioner respectfully submits that the petitioner deserves the concession of bail and is entitled to be enlarged on regular bail, in the interest of justice, equity, and fair trial. It is further submitted that the other co-accused person, namely, ***Vipul Bansal***, has already been granted regular bail by a Bench of this Court in ***Cr. Misc. No. 26793 of 2025 vide order dated 24.09.2025***. It is further submitted that the other co-accused persons, namely, ***Gulab Yadav @ Jeevaach Yadav*** and ***Suresh Singla*** have also already been granted regular bail ***vide orders dated 26.09.2025*** and ***25.09.2025*** passed in ***Cr. Misc. Nos. 30102 of 2025*** and ***32054 of 2025***, respectively by the Co-ordinate Bench of this Court. It is further submitted that the petitioner has no criminal antecedent prior to institution of Rupaspur P.S. Case No. 18 of 2023 dated 09.01.2023 as stated in paragraph 3 of the bail petition. The petitioner is in custody since 18.10.2024 in this case.

5. Vide order dated 03.07.2025, a report with respect to the stage of the trial of the present case was called for from the learned court below and in compliance to the aforesaid order dated 03.07.2025, the learned Sessions Judge-cum-Special Judge (PMLA), Patna vide its Letter No. 90/Sessions, dated 15.07.2025 sent a report in which it has been reported that the Special Trial (PMLA) Case No. 10/2024, arising out of ECIR No. PTZO/04/2024 dated 14.03.2024 and addendum ECIR dated 20.09.2024 has been filed before this Court on 16.12.2024 by the Directorate of Enforcement, Patna Zonal Office against 08 accused persons namely (1) **Sanjeev Hans** (2) Gulab Yadav (3) Praveen Chaudhary (4) Shadab Khan (5) Pushpraj Bajaj (6) M/S. Prerna Smart Solutions Pvt. Ltd., through its Authorized Representative (7) M/S. Genus Power Infrastructure Limited through its authorized representative (8) M/S. Dhoot Infrastructure Projects Limited through its authorized Representative. Thereafter, cognizance has been taken for the offence under Section 3 and punishable under Section 4 of the Prevention of Money Laundering Act against 07 accused persons on 08.01.2025 and further cognizance has been taken against Sanjeev Hans after receiving sanction order from the

Government of Bihar on 07.04.2025. It is further reported that the accused persons (1) Sanjeev Hans (2) Gulab Yadav (3) Praveen Chaudhary (4) Shadab Khan (5) Pushpraj Bajaj are in jail custody and summons have been issued against remaining 03 accused i.e., (1) M/S. Prerna Smart Solutions Pvt. Ltd., through its Authorized Representative (2) M/S. Genus Power Infrastructure Limited through its authorized representative (3) M/S. Dhoot Infrastructure Projects Limited through its authorized Representative on 11.03.2025. It is further reported that in spite of issuance of summons against aforesaid 03 accused, they have not appeared before this court as yet. Hence, this case is at the stage for the appearance of 03 accused i.e., (1) M/S. Prerna Smart Solutions Pvt. Ltd., through its Authorized Representative (2) M/S. Genus Power Infrastructure Limited through its authorized representative (3) M/S. Dhoot Infrastructure Projects Limited through its authorized Representative. It is further reported that Second Supplementary Complaint i.e., Special Trial (PMLA)-01/2025, arising out of ECIR No. PTZO/04/2024 dated 14.03.2024 and addendum ECIR dated 20.09.2024 has been filed before this court on 25.01.2025 by the Directorate of Enforcement, Patna Zonal Office against 08 accused persons namely (1) M/S. Matriswa

Infra Pvt. Ltd., through its authorized representative (2) Pawan Kumar (3) Suresh Kumar Singla @ Suresh Kumar (4) Varun Singla (5) Devinder Singh Anand (6) M/s. Anand Trading Corporation through its proprietor Sh. Devinder Singh Anand (7) Vipul Bansal (8) M/S. Mining and Engineering Corporation through its authorized representative. Therefore, cognizance has been taken for the offence under Section 3 and punishable under Section 4 of the Prevention of Money Laundering Act against 08 accused persons on 25.01.2025. In this case, 05 accused persons namely (1) Pawan Kumar (2) Suresh Kumar Singla @ Suresh Kumar (3) Varun Singla (4) Devinder Singh Anand (5) Vipul Bansal are in judicial custody and summons have been issued against remaining 03 accused i.e., (1) M/s. Matriswa Infra Pvt., Ltd., through its authorized representative (2) M/s Anand Trading Corporation through its proprietor Sh. Devinder Singh Anand (3) M/s. Mining and Engineering Corporation through its authorized representative on 28.03.2025, but the aforesaid 03 accused have not appeared before this court as yet. Apart from these two cases i.e., Special Trial (PMLA) Case No. 10/2024 and 01/2025, two others supplementary complaint cases i.e., Special Trial (PMLA) Case No. 05/2025 against 17 accused persons and 11/2025 against 02 accused persons, arising out of the same ECIR No. PTZO/04/2024 dated 14.03.2024 and addendum ECIR dated 20.09.2024 are pending for appearance of other co-accused persons before this court. Both cases i.e., Special Trial (PMLA) Case No. 10/2024 and 01/2025 have been amalgamated on 17.03.2025. Now the present stage of both the cases is for the appearance of six accused, which are companies i.e., (1) M/s. Prerna Smart Solutions Pvt. Ltd., through its Authorized Representative (2) M/s. Genus Power Infrastructure Limited through its authorized representative (3) Ms. Dhoot Infrastructure Projects Limited through its authorized Representative (4) M/s. Matriswa Infra Pvt., Ltd., through its authorized representative (5) M/S. Anand Trading Corporation through its Proprietor Sh. Devinder Singh Anand & (6) M/s. Mining and Engineering Corporation through its authorized representative. Altogether, 64 witnesses have been mentioned in the complaint by the Enforcement Directorate, who are to be examined in Special Trial (PMLA) Case No. 10/2024 and 01/2025. It is further reported that the trial of schedule offence i.e., Rupaspur P.S. Case No. 18/2023, dated 09.01.2023 u/s 34, 323, 341, 376, 376(d), 420, 313, 120(B), 504, 506 of the I.P.C. & 67 of I.T. Act against Gulab Yadav (Ex. MLA, RJD, (2015-2020) and others and Special Vigilance Unit FIR No. 05/2024 dated 14.09.2024 u/s 6/318 (4) of BNS & Section 7 r/w 12 r/w 13 (1)(a) r/w 13(1)(b) r/w 13(2) of PC Act as mentioned in prosecution complaint, connected to the present case which is triable by this Special Court u/s 44(1)(a) of Prevention of Money Laundering Act, the record whereof has not been received by this court as stipulated u/s 44(1)(c) of Prevention of Money Laundering Act. As such this court is not in a position to ascertain as to when the trial of the two predicate offences can be concluded, which shall be mandatorily concluded before concluding the trial of Special Trial (PMLA) Case No. 10/2024 & 01/2025. Lastly, it has been reported by the learned court below that under the aforesaid circumstances, this Court is not in a position to ascertain the period within which the trial of Special Trial (PMLA) Case No. 10/2024 and 01/2025 can be concluded.

6. Learned senior counsel for the opposite party has vehemently opposed the prayer for bail of the petitioner and has submitted that the petitioner is named in the present case and the petitioner was arrested by the Enforcement of Directorate on 18.10.2024 under Section 19 of the PMLA, 2002 and filed the present bail application before this Hon’ble Court after his bail application by the learned Special Court was rejected vide order

dated 07.03.2025. He has further submitted that the present case is of money laundering arising from the illegal activities of Sanjeev Hans (petitioner) who is an I.A.S. officer and served as Secretary in the various ministries of the Bihar Government and in collusion with the other co-accused persons, misused his public office and official position to obtain undue pecuniary advantages through corrupt means. It is further submitted that during his tenure between 03.07.2014 to 2024, he enriched himself illicitly to the extent of approximately Rs. 90 Crores from the activities constituting the scheduled offence. He has also engaged in layering and laundering of these proceeds of crime through a network of close associates. The assets acquired using such proceeds have been deliberately placed in the names of his family members and associates to conceal his connection with the proceeds of crime and to portray the tainted assets as untainted. It is further submitted that good governance is a right that enables a person to fulfil several other rights of himself and his family members. However, unscrupulous persons, such as the accused Sanjeev Hans (petitioner), who deprived citizens of better governance by taking bribes and corrupting the system, do not deserve any sympathetic view in the matters of arrest and bail. He has further relied upon the judgment of the Hon'ble

Supreme Court in the case of ***State of Gujarat Vs. Mohanlal Jitamalji Porwal and Ors.,*** reported in ***(1987) 2 SCC 364.*** It is further submitted that the contention of the petitioner is that Rupaspur P.S. Case No. 18 of 2023 dated 09.01.2023 stands quashed by the another Bench of this Hon'ble Court vide order dated 06.08.2024 is factually incorrect, as the aforesaid Rupaspur P.S. Case No. 18 of 2023 was quashed only partially, and that too only with respect to Sanjeev Hans (petitioner) and not *qua* other co-accused person, namely, Gulab Yadav. *(See para 36 @ page 514-515).* He has further relied upon the judgement of the Hon'ble Supreme Court in the case of ***Pavana Dibbur Vs. Enforcement Directorate 2023 SCC OnLine SC 1586,*** wherein the Hon'ble Supreme Court while holding that the offence of Money Laundering is an independent offence also held that only when the scheduled offence is quashed in its entirety does it impacts the PMLA Case. It is further submitted that the PMLA case is not dependent on the case of the predicate agency and once the PMLA case is born the umbilical cord that connects the ECIR with FIR loses its relevance. He has further relied upon the judgement of the Hon'ble High Court of Madras in the case of ***Vijayraj Surana Vs. Enforcement Directorate, reported in 2024 SCC OnLine Mad 8404.*** It is also relevant to mention here that the S.L.P. No. 13403 of 2024 filed against the said judgement was withdrawn before the Hon'ble Supreme Court. He has further relied upon the judgement of the Hon'ble High Court of Madras in the case of ***Enforcement Directorate Vs. Ashok Anand Crl. R.C. No. 1262 of 2024.*** It is further submitted that any protective order under the predicate case does not extend to the Independent Offence of money laundering which is settled by the judgement of the Hon'ble Supreme Court in the case of ***Dr. Manik Bhattacharaya Vs. Ramesh Malik & Ors. 2022 SCC OnLine SC 1465 (para 7).*** Reliance is also placed upon the judgement of the Hon'ble High Court of ***Punjab and Haryana in the case of Surjeet Kumar Bansal Vs. Central Bureau of Investigation and Anr.,*** reported in ***2024: PHHC:045226*** wherein the Hon'ble Punjab and Haryana High Court held that stay on scheduled offence does not automatically translate into stay on PMLA proceedings. Even, it is well settled that an interim stay does not efface or wipe out the existence of an order or in this case the F.I.R. as held by the Hon'ble Supreme Court in the case of ***Shree Chamundi Mopeds Ltd., Vs. Church of South India Trust Assn., (1992) 3 SCC 1 Para 10.*** It is further submitted that the allegation of the petitioner is that the information under Section

66(2) of the PMLA, 2002 was shared only to revive the predicate case, is incorrect and deserves to be rejected. The action of sharing information under Section 66(2) of the PMLA, 2002 was an independent step, wholly unconnected with the quashing of the predicate F.I.R. in which the Enforcement Directorate was not even a party. Moreover, between 06.08.2024, which was the date of the quashing order, and 28.08.2024, which was the date of the letter under Section 66(2) of the PMLA, 2002 several important pieces of evidence were unearthed, particularly the forensically extracted WhatsApp chats of Sanjeev Hans (petitioner) who had deleted all his data. In these circumstances, the sharing of information under Section 66(2) of the PMLA, 2002 cannot be described as a *mala fide* exercise. It is further submitted that as stated above the scheduled offence i.e., Rupaspur P.S. Case No. 18 of 2023 still continues to be in existence and hence the ground of the petitioner that merely on the partial quashing of Rupaspur P.S. Case No. 18 of 2023, the ECIR became *non-est* is incorrect both in law and facts. Even otherwise, the petitioner's understanding that quashing of a predicate case renders the ECIR *non est* is misconceived. An ECIR is merely an internal document of the E.D. and, unlike an F.I.R. which sets the criminal law into motion, the E.D. is empowered to continue with its investigation and inquiry even in the absence of an ECIR. Reliance is placed in the case of ***Vijay Madanlal Choudhary Vs. Union of India,*** reported in ***2022 OnLine SC 929.*** It is further submitted that the scope of Section 66(2) of the PMLA, 2002 has already been examined by various High Courts, and similar arguments as raised before this Hon'ble Court have been consistently rejected. In the case of ***Ireo (P) Ltd., Vs. Union of India,*** reported in ***2024 SCC OnLine P & H 11314. (Punjab and Harayana High Court),*** a similar argument was made before the Division Bench of the Hon'ble Punjab & Harayan High Court. A similar contention, that in the absence of an existing scheduled offence, the E.D. itself gets a scheduled offence registered, has already been rejected by the Hon'ble Punjab and Haryana High Court in the case of ***Angad Singh Makkar Vs. Union of India & Ors. CRM-M-5973-5228/2024.*** It is further submitted that the petitioner's contention is that the E.D. could not have subsumed SVU P.S. Case No. 05 of 2024 into its ongoing investigation is misconceived. This very argument has already been rejected by the Hon'ble Delhi High Court in the case of ***Rajinder Singh Chadha Vs. Union of India, W.P.(Crl.) 562 of 2023),*** having similar facts, the Court upheld the E.D.'s power to incorporate subsequent F.I.Rs., into its investigation. The background and reasoning in ***Rajinder Singh (supra)*** are detailed in the following paragraphs. (i) Two F.I.Rs., i.e., F.I.R. No. 16 of 2018 dated 24.01.2018 and F.I.R. No. 49 of 2021 dated 12.03.2021 were registered under Sections 420, 406 and 120B of the I.P.C. at P.S. Economic Offences Wing ('EOW'). The said F.I.Rs., were registered against the persons accused therein including the petitioner and arose out of a similar set of facts and circumstances. (ii) In F.I.R. No. 16 of 2018, the accused persons moved an application for compounding under Section 320 of the Cr.P.C., before the learned trial court, which was allowed vide order dated 19.11.2019 passed by Shri Deepak Sherawat, Chief Metropolitan Magistrate, South-East, Saket, and the accused persons were accordingly acquitted for the offences under Sections 406, 420 and 120B of the I.P.C. (iii) F.I.R. No. 49 of 2021 was quashed by a Co-ordinate Bench of this Court vide order dated 22.12.2022 passed in ***CRL. MC. 7083 of 2022 titled Uppal Chadha Hi Tech Developers Pvt., Ltd., & Ors. Vs. State & Ors.*** (iv) The present ECIR was lodged on 26.07.2019 by the Directorate of Enforcement /Respondent No. 2 ('the Department') against M/S. Uppal Chadha Hi-Tech, Harmandeep Singh, Gurjit Singh Kochar, Kritika Gupta, Rajinder Singh Chadha-the petitioner and other unknown persons. Reliance is also placed upon the judgement delivered by the Hon'ble High Court of Punjab and Haryana in the case of ***Pirtpal Singh Vs. Directorate of Enforcement and others in CRM-M-24276-2022.*** It is further submitted that in the light of the aforesaid submissions, it can be concluded that Section 66(2) of the PMLA,2002 is an independent provision that is not predicated upon the existence of a scheduled offence. The E.D. is empowered to send information to the concerned police authorities at any point, whether or not a predicate offence exists. Based on the information shared under Section 66(2) of the PMLA, 2002 an F.I.R. can be registered by the jurisdictional police. The E.D. can include this F.I.R. in its ECIR and proceed to take action under the PMLA. The petitioner's contention regarding the expansion of the scope of the predicate offence is also misplaced. The E.D.'s power under Section 66(2) of the PMLA,2002 is not limited to the original predicate offence. During the course of the investigation, if the E.D. discovers other cognizable offences, it can send a Section 66(2) of the PMLA, 2002 communication and if an F.I.R. is registered then E.D. can add the newly discovered offence to its ECIR. The petitioner's argument that the E.D. cannot expand the scope of the ECIR by adding newly discovered offences by way of an addendum is directly contrary to paragraph 282 of ***Vijay Madanlal Chauydhary (supra)*** which permits such action. The petitioner's argument is that at the material recovered in the investigation in the ECIR prior to other F.I.R. being quashed is washed away and could not have been used to send the information under Section 66(2) of the PMLA, 2002. A similar argument against the E.D. was rejected by the Hon'ble Chhattisgarh High Court in the case of ***Anil Tuteja Vs. Union of India, 2024 SCC OnLine Chh 7549,*** and the S.L.P. against this judgement insofar as the arrest of Anil Tuteja which was based on the same ground was also dismissed as withdrawn. It is further submitted that without prejudice to the fact that Rupaspur P.S. Case No. 18 of 2023 continues to subsist, it is submitted that even assuming, without admitting, that the first F.I.R. stood quashed, the material collected during inquiry into the said F.I.R. can still be relied upon. In any event, the ECIR in this case has never been quashed. It is further submitted that any alleged impropriety in the manner of obtaining evidence does not affect its admissibility, as the *'fruit of the poisonous tree'* doctrine is not recognised in India. Reliance is placed upon the judgements of the Hon'ble Supreme Court in the case of ***R.M.***

Malkani V. State of Maharashtra (1973) 1 SCC 471 (Para-24) and in the case of ***Pooran Mal V. Director of Inspection (Investigation), (1974) 1 221-255 SCC 345.*** It is further submitted that the mere fact that the investigation under the predicate offence i.e., F.I.R. No. 05 of 2024 is still undergoing and the charge sheet is yet to be filed in that case cannot be a factor which can benefit the accused petitioner as the offence of Money Laundering is an independent offence and the existence of the scheduled offence in the case is not under doubt. If the petitioner's argument is accepted that the E.D. is bound by and limited to the scope of investigation conducted by the predicate agency, it would amount to nothing short of rewriting the PMLA, which clearly confers an independent and expansive power of investigation upon the E.D. A plain language of Section 3 of the PMLA which defines the offence of Money Laundering and begins with the expression *"whosoever"*, which denotes that 'whosoever' need not only be the main accused person it can be any number of persons who may directly or indirectly attempt to indulge or knowingly assist or knowingly are a party or are actually involved in any '*process or activity'* connected with the proceeds of crime. ***[Pavana Dibbur V DOE, 2023 SCC OnLine SC 1586 Para 17]***. It is further submitted that the legislature could have easily said that money laundering is an activity but the conscious and careful choice of the expression 'process or activity' in the definition of money laundering as it is the understanding of the legislature that money-laundering can happen either as a one-time activity or as a process. It is further submitted that multiple people can be involved in the process of Money Laundering. The scheduled offence in this case *inter alia being* Section 13(1)(b) of the P.C. Act which is "intentionally enriches himself illicitly during the period of his office." Hence, illegally enriching oneself while holding a public office is the ingredient of the scheduled offence in the present case and each such source of proceeds of crime generated in the criminal activity relating to the scheduled offence would be subject matter of Section 3 of the PMLA. The language of the Act clearly states that any person who directly or indirectly attempts to indulge, knowingly assists, or knowingly becomes a party to or is actually involved in any process or activity connected with the proceeds of crime, including any such connection with the proceeds of crime, constitutes an ingredient of the offence of money laundering. Whatever follows the term *'including'* serves as an illustration provided by the legislature-such as concealment, possession, acquisition, use, projection, or claiming it as untainted property all of which shall render a person guilty of the offence of money laundering. Furthermore, the explanation provided with the definition serves as a clarification that these elements are disjunctive. A person shall be guilty of the offence of money laundering if such a person is found to have directly or indirectly attempted to indulge in, knowingly assisted, or knowingly becomes a party to one or more of the following processes or activities. It is essential to emphasise that it is not merely an *activity* but also a *process*. Further the '*processes or activities'* mentioned from (a) to (f) in the explanation to Section 3 of the PMLA are wide enough to cover all processes of activities but still the Legislature has consciously chosen to further add the expression 'in any manner whatsoever', so the provision can be construed in its widest ambit. Reliance in this regard is placed upon the judgement of the Hon'ble Supreme Court in the case of ***Y. Balaji V. KarthikDesari,*** reported in ***2023 SCC OnLine SC 645 (2JB).*** It is further submitted that F.I.R. No. 05 of 2024 dated 14.09.2024 was registered by the Special Vigilance Unit, Bihar for the offences under Section 6/318(4) of the B.N.S. and 7 r/w 12 r/w 13(1)(a) r/w 13 (1)(b) r/w 13(2) of the P.C. Act, 1988. Section 13(1)(b) is what will engulf any intentional enrichment done illicitly during the period of office by a public servant. '*A public servant is said to commit the offence of criminal misconduct, if he intentionally enriches himself illicitly during the period of his office;* which is a scheduled offence in the present case'. It is further submitted that this Hon'ble Court is required to satisfy itself only whether there is a genuine case against the accused. The prosecution is not required to prove the charge beyond reasonable doubt at this stage. ***Reliance in this regard is placed upon the judgement of the Hon'ble Supreme Court in the case of Vijay Madanlal Chaudhary (supra)***. It is further submitted that generation of proceeds of crime through corrupt practices while working as Principal Secretary in the Energy Department, Government of Bihar and CMD, M/S. BSPHCL by during the period 27.07.2020 to 01.08.2024, Sanjeev Hans (petitioner) received kickbacks to secure/facilitate tenders/contracts for M/S. Genus Power and also for smooth operations/execution of the contracts regarding the smart meter project in the Energy Department in the Government of Bihar. ***(Para 12.1.1 @ page 132-135 of the PC).*** Sanjeev Hans (petitioner) generated proceeds of crime to the tune of Rs. 65 Crores approximately. ***(Para ii (a) @ page 194 of the P.C.).*** It is further submitted that generation of proceeds of crime through corrupt practices while working as Secretary in Water Resources Department, Government of Bihar during the period 14.08.2019 to 06.12.2020 and 28.02.2021 to 30.12.2021)- ***(para 12.1.2 @ page 136-138 of the P.C.)***- Sanjeev Hans (petitioner) generated proceeds of crime to the tune of Rs. 1.37 Crores ***(para C @ page 195 of the P.C.)*** as bribe given by M/S. Matriswa Infra Pvt., Ltd., which did a project of desilting of Paimar River in Bihar Sharif District of Bihar for transferring the W.R.D. officials for award of tender to Bansidhar Construction Pvt. Ltd. It is further submitted that generation of proceeds of crime through corrupt practices while working as Private Secretary to the then Minister of Consumer Affairs, Food and Public Distribution, Government of India, during the period 03.07.2014 to 30.05.2019- Sanjeev Hans (petitioner) received a bribe of Rs. 1 Crore for assuring to manage a favourable outcome in a case then pending at the NCDRC ***(Para 12.1.3 of the PC-@ page 139-145)***. It is further submitted that during search operation conducted on 16.07.2024 at the residential premises of Shri Sanjeev Hans, 15 luxury watches of national/international brands worth Rs. 66 lakhs approximately have been recovered which Sanjeev Hans explained that he has taken these watches as corporate gifts from various companies.

Accepting such expensive gifts is in violation of Rule 5 of All India Services Conduct Rules ***(para 12.1.4 (i) @ page 145 of the P.C.).*** The gold jewellery around 1500 gms., worth Rs. 1.1 Crores approximately were found for which the petitioner failed to disclose any source. P.O.C. to the tune of Rs. 3.34 Crores has been utilized towards payments to Gayatri Kumari, victim of the first F.I.R. ***(para 11.1.5. (A) @ page 146-151 of the P.C.)*** Investment in real estate and share market through Pushpraj Bajaj and family- utilised and concealed the proceeds of crime by investing Rs. 6.75 Crores and Rs. 7.20 Crores in real estate in Nagpur and Jaipur respectively and investment in shares having worth Rs. 62.60 Crores in share market through Pushpraj Bajaj and family and thus, tried to project the same as untainted. ***(para 11.1.5 (B) @ page 151-153 of the P.C. and para (f) @ page 195 of the P.C.)*** Sanjeev Hans (petitioner) in connivance with Suresh Kumar Singla utilized and concealed the proceeds of crime by investing Rs. 1.17 Crores in properties in Punjab and Himachal Pradesh in the name of his associates and attempted to project the same as untainted. ***(para 11.1.5. (C)@ page 153-154 of the PC and para (g) @ page 195 of the PC).*** Sanjeev Hans (petitioner) in connivance with Praveen Chaudhary utilized and concealed the proceeds of crime by purchasing a flat at C-35, Anand Niketan, New Delhi for Rs. 9.60 Crores and the same was projected as untainted and currently is in possession of Sanjeev Hans and his family. ***(para 11.1.5 (D) @ page 154-161 of the PC and para (h) @ page 195 of the PC).*** Sanjeev Hans (petitioner) in connivance with Shadab Khan, Pushpraj Bajaj and Praveen Chaudhary had utilized proceeds of crimes in cash in booking travel tickets, booking hotel accommodation, payments to his employees, cash transfer to his family members. ***(para 11.1.5 (D) @ page 161 of the PC and para (i) @ page 195 of the PC).*** The above allegations can be proved from the evidences collected in the present case which includes:-(i) documentary evidence such as bank account analysis of Gayatri Kumari, Sunil Kumar Sinha and others confirming financial transactions and recovery of sale deed drafts and digital records during search proceedings; (ii) statements recorded under Sections 17 and 50 of the PMLA, 2002 of various individuals including Madhukar Mishra, Gayatri Kumari, Sanjeev Hans (petitioner), Vipul Bansal, Shadab Khan, Pawan Kumar and others confirming receipt and movement of funds, acquisition of properties and handling of proceeds of crime; (iii) WhatsApp chat extracts between the petitioner and the co-accused such as Gulab Yadav, Pushpraj

Bajaj, Praveen Chaudhary etc., indicating co-ordination, gifting of luxury items, hotel/flight bookings and attempts at concealment; (iv) visual evidence (documentary) such as videos and photographs submitted by the co-accused corroborating cash handover; and (v) statements by witnesses. Together, this material substantiates the trail of proceeds of crime, their concealment and laundering through close associates and benami transactions. ***(para 14.1 (bb)@ page 202-204).*** A part of the chats between Sanjeev Hans and the co-accused Vipul Bansal is extracted hereunder ***(page 144 of the PC).*** The arguments which are mentioned in para 15 of the note of the petitioner are in the nature of his defence and the same is dealt in the reply and are not being repeated for the sake of brevity. Learned counsel for the opposite party has further placed reliance on the case of ***V. Senthil Balaji (supra)*** in which at para 15 it has been held: ***We have already narrated that there are three scheduled offences. In the main case (CC Nos. 22 and 24 of 2021), there are about 2000 accused and 550 prosecution witnesses cited. Thus, it can be said that there are more than 2000 accused in the three scheduled offences, and the number of witnesses proposed to be examined exceeds 600.*** Therefore, in light of the nature of allegations and material gathered in support of the same coupled with the fact that the trial is not likely to be unreasonably prolonged, bail in the present case ought not to be granted only on the ground of 11 months of incarceration. Moreover, it is submitted that the judgement of Hon'ble Supreme Court in the case of ***Senthil Balaji Vs. Directorate of Enforcement; 2024 SCC OnLine SC 2626*** applies the judgement of ***Union of India Vs. K.A. Najeeb; 2021 3 SCC 713*** to hold that rigors of Section 45 will melt away. K.A. Najeeb (supra) in fact holds that the rigors of Section 43 (D)(5) of the UAPA is lesser than Section 37 of NDPS which is Pari Materia to Section 45 of PMLA. K.A. Najeeb (supra) was a case where the accused was in prison for more than 5 years, and therefore, applying K.A. Najeeb (supra) to serious economic offences under PMLA only upon completion of 11 months in custody amounts to dilution of the rigors of Section 45 of PMLA. In **K.A. Najeeb (supra) para 14** of the judgment would reveal that the court considered the fact that the co-accused persons were convicted for not more than 8 years and therefore if Najeeb is found guilty he would receive a sentence within the same ballpark. Thus, para 14 placitum (e) holds that since 2/3 rd of such incarceration is already complete, a case for bail is made out. It is further submitted that the Hon'ble Supreme Court while interpreting similar rigors of bail under Section 437 r/w 439 of 1973 Code was pleased to hold that mere incarceration for a long period cannot be the sole ground for bail ignoring the gravity of the offence. It is further submitted that the judgement of ***Amit Kumar (supra)***, was also approved by the larger Bench of the Hon'ble Supreme Court in the case of ***Vijay Madanlal (supra)*** at para 403 of the judgement. It is further submitted that even prior to and after the recent pronouncements in ***Manish Sisodia (supra)*** and ***V. Senthil Balaji (supra),*** the Hon'ble Supreme Court has dismissed bail pleas of the accused persons despite the said persons having spent more than a year in custody in light of several factors emerging in the case. A few such instances are enumerated herein under: Vide order dated 10.01.2025, the Hon'ble Supreme Court in the case of ***Shahnawaz Ahmed Jeelani Vs. Enforcement Directorate, SLP (Crl.) No. 14173 of 2023***, refused to grant bail after a period of one year six months and 14 days, vide order dated 21.10.2024, the Hon'ble Supreme Court in the case of ***Vipin Kumar Sharma Vs. Directorate of Enforcement, SLP (Crl.) No. 9540 of 2024***, refused to grant bail after a period of one year three months and 22 days, vide order dated 04.01.2022, the Hon'ble Supreme

Court in the case of ***Bimal Kumar Jain Vs. Directorate of Enforcement, SLP (Crl.) No. 7942 of 2021***, refused to grant bail after a period of one year four months and three days, vide order dated 27.02.2023, the Hon'ble Supreme Court in the case of ***Bimal Kumar Jain Vs. Directorate of Enforcement, SLP (Crl.) No. 9656 of 2022***, refused to grant bail after a period of two years five months and 26 days, vide order dated 03.02.2025, the Hon'ble Supreme Court in the case of ***Banmeet Singh Vs. Directorate of Enforcement, SLP (Crl.) No. 1685 of 2025***, refused to grant bail after a period of eight months and five days, vide order dated 25.03.2025 passed by the Hon'ble Supreme Court in the cases of ***Hitesh Gandhi Vs. Enforcement Directorate, SLP (Crl.) No. 16555 of 2024***, refused to grant bail after a period of one year six months 26 days, vide order dated 25.03.2025 passed by the Hon'ble Supreme Court in the case of ***Arvind Rajta Vs. Enforcement Directorate, SLP (Crl.) No. 16263 of 2024***, refused to grant bail after a period of one year six months 26 days, vide order dated 25.03.2025 passed by the Hon'ble Supreme Court in the case of ***Krishan Kumar Vs. Enforcement Directorate, SLP (Crl.) No. 17355 of 2024***, refused to grant bail after a period of one year six months 26 days and vide order dated 25.03.2025 passed by the Hon'ble

Supreme Court in the case of ***Rajdeep Singh Vs. Enforcement Directorate, SLP (Crl.) No. 16807 of 2024***, refused to grant bail after a period of one year six months 26 days. It is further submitted that the case of the petitioner is on different footing of the case of other co-accused person, namely, Vipul Bansal, who has already been granted bail by the Bench of this Court in Cr. Misc. No. 26793 of 2025 vide order dated 24.09.2025.

7. Lastly, learned counsel for the opposite Party has prayed this Hon'ble Court that considering the allegations made against the petitioner, the present bail application filed on behalf of the petitioner for grant of bail may kindly be rejected.

8. From perusal of the materials on record and considering the facts of the case and also after considering the argument made by both parties and the law laid down by the Hon'ble Supreme Court in several decisions, this Court is of the view that at this stage, there is no reasonable ground to believe that the petitioner was actually involved in the process of concealing, layering and laundering of crime proceeds. There are a series of decisions of this Court starting from the decision in the case of K.A. Najeeb i.e., ***Union of India v. K.A. Najeeb,*** reported in ***(2021) 3 SCC 713***, which held that such stringent provisions for the grant of bail do not take away the power of

the Constitutional Courts to grant bail on the grounds of violation of Part III of the Constitution of India. In paragraph 17 of the said decision, it has been laid down that the rigours of such provisions will melt down where there is no likelihood of trial being completed in a reasonable time and the period of incarceration already undergone has exceeded a substantial part of the prescribed sentence. In **Vijay Madanlal Choudhary's (supra)**, the Hon'ble Supreme Court categorically held that while Section 45 PMLA restricts the right of the accused to grant of bail, it could not be said that the conditions provided under Section 45 impose absolute restraint on the grant of bail. Para 302 is extracted hereinbelow:-

> ***"302. It is important to note that the twin conditions provided under Section 45 of the 2002 Act, though restrict the right of the accused to grant of bail, but it cannot be said that the conditions provided under Section 45 impose absolute restraint on the grant of bail. The discretion vests in the court, which is not arbitrary or irrational but judicial, guided by the principles of law as provided under Section 45 of the 2002 Act."***

These observations are significant and if read in the context of the recent pronouncement of this Court dated 09.08.2024 in the case of ***Manish Sisodia v. Enforcement of Directorate***, reported in ***2024 SCC OnLine SC 1920***, it will be amply clear that even under PMLA, the governing principle is that ***"Bail is the Rule and Jail is the Exception."*** In paragraph 52 of ***Manish Sisodia's case (supra), the Hon'ble Suprme Court has observed following:-***

> ***"52…...From our experience, we can say that it appears that the trial courts and the High Courts attempt to play safe in matters of grant of bail. The principle that bail is a rule and refusal is an exception is, at times, followed in breach. On account of non-grant of bail even in straightforward open-and-shut cases, this Court is flooded with huge number of bail petitions thereby adding to the huge pendency. It is high time that the trial courts and the High Courts should recognise the principles that "bail is rule and jail is exception".***

It is also relevant to mention here that ***Justice Krishna Iyer's doctrine "Bail being the rule and Jail an***

exception".

In this case, the petitioner is in custody for about 12 months for the offence punishable under Section 4 of the Prevention of Money Laundering Act, 2002. Charge sheet has already been submitted. Till date, charge has not been framed. The learned trial court reported that this court is not in a position to ascertain the period within which the trial of Special Trial (PMLA) Case No. 10/2024 and 01/2025 can be concluded. In this case, the prosecution has cited 179 witnesses and document of more than 26,739 pages and as such the trial of this case is not likely to be concluded in near future. The instant case is pending for appearance. Therefore, there is no possibility of the trial commencing in near future. There is no criminal antecedent of the petitioner prior to Rupaspur P.S. Case No. 18 of 2023 and the trial is also not likely to be concluded within few years. The maximum sentence is of seven years. The petitioner has undergone incarceration for a period of one year. Bearing in mind that the petitioner since grant of bail has not been involved in any similar or other offence, this Court prefers to lean in favour of liberty rather than its curtailment. This Court is of the view that the section 45 of the PMLA Act per see does not oust the ability of the constitutional courts to grant bail on the ground of violation of fundamental rights to speedy trial.

So far as possibility of tampering of evidence is concerned, it is to be noted that the present case depends upon documentary evidence, which has already been seized by the prosecution and as such, there is no possibility of tampering with the evidence. Insofar as investigation with regard to petitioner is concerned, it is completed and therefore, by imposing some stringent condition, the petitioner can be bailed out. In the case of ***Udhaw Singh v. Enforcement of Directorate 2025 SCC OnLine SC 357***, and ***V. Senthil Balaji v. Deputy Director, Directorate of Enforcement***, the Hon'ble Apex Court in para "27. Held that Under the Statutes like PMLA, the minimum sentence is three years, and the maximum is seven years. The minimum sentence is higher when the scheduled offence is under the NDPS Act. When the trial of the complaint under PMLA is likely to prolong beyond reasonable limits, the Constitutional Courts will have to consider exercising their powers to grant bail. The reason is that the Section 45(1)(ii) does not confer power on the State to detain an accused for an unreasonably long time, especially when there is no possibility of trial concluding within a reasonable time. What a reasonable time is depend on the provisions under which the accused is being tried and other factors. One of the most relevant factor is the duration of the minimum and maximum sentence for the offence." In **P. Chidambaram Vs. Central Bureau of Investigation (2020) 13 SCC 337**, the appellant therein was granted bail after being kept in custody for around 62 days relying on the Constitution Bench in ***Shri Gurbaksh Singh Sibbia and others V. State of Punjab. (1980) 2 SCC 565 and Sanjay Chandra V. Central Bureau of Investigation (2012) 1 SCC 40,*** that even if the allegation is one of grave economic offence, it is not a rule that bail should be denied in every case.

9. In the light of above discussions as well as taking note of the aforesaid facts and circumstances of the case and following the law laid down by the Hon'ble Supreme Court in the case of ***V. Senthil Balaji v. Deputy Director, Directorate of Enforcement***, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge-cum-Special Judge (PMLA), Patna, in connection with Special Trial (PMLA) Case No. 10 of 2024, arising out of ECIR bearing no. PTZO/04/2024 with further conditions:-

(I) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

II. The petitioner shall not leave the country during the bail period and surrender his passport after release before the Trial Court.

III. In case, the petitioner changes his address, he will inform the ED as well as to the concerned Court.

10. The application stands allowed.

(Chandra Prakash Singh, J)

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