IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22886 of 2025

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

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Pushpraj Bajaj, Male, aged about 50 years, son of Late Shyam Sundar Bajaj, R/O- Block- CD, House No. 151, Sector 1, Salt Lake City, P.S.- Bidhan Nagar (North), District -Kolkata, West Bengal

... ... Petitioner

Versus

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

... ... Opposite Party

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Appearance :

For the Petitioner : Mr. Madhav Khurana, Sr. Advocate, Mr. Samarth K. Luthra, Advocate and Mr. Harsh Singh, Advocate and Mr. Abhijeet, Advocate

For the Opposite Party : Mr. Zohaib Hassain, Special Counsel, E.D., Mr. Tuhin Shankar, Retainer Counsel, E.D., Mr. Prabhat Kumar Singh, Special 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 13-11-2025 Heard learned counsel for the petitioner and learned counsel for the opposite party.

2. The petitioner seeks bail in connection with the Special Trial (PMLA) Case No. 10 of 2024, arising out of ECIR PTZO/04/2024 dated 14.03.2024 registered for the offences punishable under Section 3 read with Section 4 of the Prevention of Money Laundering Act, 2002 (hereinafter referred to as ‘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 under Sections 323, 341, 376, 376D, 420, 313, 120B, 504, 506 read with Section 34 of the I.P.C., against the co-accused Sanjeev Hans (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 the 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 P.C. Act against the co-accused Sanjeev Hans and 13 others. Thereafter, an addendum ECIR dated 20.09.2024 was recorded on the basis of predicate offence in the 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 surfaced that the co-accused Sanjeev Hans earned illicit money by indulging in corrupt practices while holding various prime postings in the Government of Bihar. His associates including the petitioner have been acting as "broker/middlemen" for the co-accused Sanjeev Hans and assisted him in earning and accommodating the illegal money generated from the corrupt practices. It is further submitted that the petitioner has been a close associate of the co-accused Sanjeev Hans. They have been in constant touch with each other through the Whatsapp and face time. The data extracted from the mobile phone of the co-accused Sanjeev Hans revealed chats running into 400 pages approx between them. Analysis of the chats revealed that the petitioner has been closely involved in the official and personal affairs of the co-accused Sanjeev Hans. It is further alleged that the petitioner has been instrumental in receiving bribe money for the co-accused Sanjeev Hans from M/S. RNA Corp through the co-accused Vipul Bansal and also in creating structure involving web of entity and their bank accounts for passing on bribe money meant for the co-accused Sanjeev Hans from M/S. Genus Power Infrastructure Limited, a contractor of the Energy Department, Government of Bihar, through Dhoot Infrastructure Projects Limited. The co-accused Vipual Bansal in his statement, stated that a bribe amount of Rs. 1 Crore has been paid to the co-accused Sanjeev Hans through the co-accused Shadab Khan and the petitioner in various tranches. The co-accused Sanjeev Hans had provided mobile number of the co-accused Shadab Khan and the petitioner to him for transfer of the bribe amount. He further mentioned that the petitioner was a liaison who had contacts with senior banking officials, and the co-accused Sanjeev Hans provided his contact number. He mentioned the meeting of the petitioner in New Delhi, where the co-accused Sanjeev Hans was also present, who introduced him to the petitioner. He further mentioned that M/S. RNA Corp held several non-performing accounts (NPAs) with multiple banks including an account in the Bank of Baroda during the period of 2020-21 and the co-accused Sanjeev Hans introduced the petitioner to help M/S. RNA Corp in the said matter. To address this matter, a meeting was arranged between a Senior Official of the Bank of Baroda and Anubhav Agarwal in the Hotel Trident at Nariman Point, Mumbai, facilitated by the petitioner, for which Anubhav Agarwal paid Rs. 3 lakhs to the petitioner. It is further alleged that an analysis of the bank accounts of the petitioner and his associated entities revealed that they received a payment of Rs. 29 Crores during the financial year 2023-24 from entities linked to Pawan Dhoot, regarding which the petitioner explained in his statement that M/S. Genus Power Infrastructure Ltd., had awarded a contract for surveying smart meters to entities associated with the Dhoot Group. This contract, he stated, was further subcontracted to M/S. Prerna Smart Solutions, an entity owned by the petitioner. Subsequently, M/S. 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 the petitioner. The petitioner 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. It is further alleged that from analysis of digital devices of the petitioner, various invoices and ledger have been recovered raised by M/S. Prerna Smart Solutions to Dhoot Infrastructure Projects under HSN 99611 that is liasoning and Commission Charges. Further another invoice of Rs. 2.12 Crores raised by Prerna Marketing and Sales to Dhoot Properties is under HSN 998311 that is Advisory fees. In none of the ledgers, invoices recovered there is mention of survey work. It is further alleged that Mahadev Prashad Bajaj, the brother of the petitioner, who is a Director alongwith Sunita Bajaj, the wife of the petitioner, in M/S. Prerna Smart Solutions was asked to provide the details of the alleged survey work and supporting correspondences with Dhoot Group of entities to which he stated that he is the Director in the company for namesake and all business affairs are controlled by his brother i.e., the petitioner Pushpraj Bajaj. He also failed to provide any such details and documents to prove any survey carried out by M/S. Prerna Smart Solutions. It is further alleged that Jitender Agarwal, Joint Managing Director and the son of the Chairman of M/S. Genus Group in his statement recorded under Section 50 of the PMLA, 2002 revealed that Pawan Dhoot and his companies were not involved in conducting surveys for the installation of smart meters in South and North Bihar DISCOMs. Their role were limited to provide consultancy and liaison services for the projects in Bihar. Surveys for projects awarded by both the DISCOMs of the Government of Bihar were primarily carried out by the subcontractors of M/S.

Genus Group, whose list he had provided and the name of M/S. Dhoot Infrastructure Projects Limited was not included in the said list. It is further alleged that Jitender Agarwal, Joint Managing Director of M/S. Genus Power Infrastructure Limited 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. Dhoot Infrastructure Projects Limited as discussed in the alleged agreement and also to provide supporting correspondences wherein he failed to provide any. 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 the petitioner, namely, M/S. Prerna Smart Solution Private Limited relying upon the petitioner’s contracts in the Energy Department, Government of Bihar, and mainly on the basis of his closeness with Sanjeev Hans, the then CMD, M/S. Bihar State Power Holding Company Limited (BSPHCL). As regard the alleged liaisoning, he stated that he gathered insider information from the Energy Department through the petitioner and passed on the same to Jitendra Kumar Agrawal of Genus Group which helped 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 Infrastructure Projects Limited, it is noticed that the said agreement is signed by the petitioner 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. It is further alleged that the petitioner without having any prior knowledge and expertise of the business of Geobags, started supplying Geo Bags to various vendors in the Water Resources Department, Government of Bihar, during the period 2020-2023 when Sanjeev Hans was working as Secretary in the Department. He stated that he was recommended by Sanjeev Hans to the Vendor and the Engineers of W.R.D., Bihar, while he was posted as Secretary in the Department. It is further alleged that during search operations at the residence of the petitioner i.e., CD 151, Salt Lake, Sector-1, Kolkata on 11.09.2024, three diaries were found and seized Panchanama dated 11.09.2024. The perusal of these diaries revealed details of 70 Bank Accounts that were mentioned in these diaries. It was also revealed that out of 70 accounts, huge cash deposits to the tune of Rs. 4,51,85,611/- have been made in 23 accounts belonging to the petitioner, his family members, entities and employees/known persons during the period from 2020 to 2024. Further, during search operation conducted at the residence of the petitioner on 11.09.2024 and 12.09.2024, unexplained cash amount of Rs. 27 lakhs, gold jewellery and silver in bullion worth Rs. 1.6 Crores and 11 lakhs approx respectively have been recovered and seized and no proper explanation was given. The petitioner in his statements given under Section 50 of the PMLA, 2002 stated that he by availing unsecured loans from Kolkata-based entities, has been investing in share market via demat accounts in the names of his family members. When inquired he explained that after coming in contact with Sanjeev Hans, he had started availing these alleged unsecured loans. However, he stated that he lacked any knowledge of most of these entities and failed to provide supporting documentation, highlighting the use of fictitious transactions to obscure the origin of funds. It is further alleged that during the course of search, the petitioner at CD-151, Salt Lake City, Sector-1, Kolkata on 03.12.2024, shares worth Rs. 62.60 Crores were found in the Demat accounts of the family members of the petitioner which were freezed in absence of any valid explanation in respect of the source of acquisition of the same. It is further alleged that during the course of the investigation, searches were conducted on 03.12.2024 at various locations. Dhirendra Madan of M/S. Mahima Group, Jaipur, in his statement dated 03.12.2024, recorded under Section 17 of the PMLA, 2002, revealed that the petitioner had purchased three units in the name of his brother, Mahadeo Bajaj, and his wife, Sunita Bajaj, in M/S. Mahima Group's Project titled "Mansion Royal", with an investment of Rs. 7.2 Crores between 2022 to 2024, out of which, Rs. 5.4 Crores were paid in cash. Additionally, the statement of Mr. Satish Bhoyar, (a Nagpur based seller of property) was recorded under Section 17 of the PMLA, 2002 in which he disclosed that the petitioner had purchased three land parcels, one owned by him and the other two owned by his father and uncle, located in Nagpur, for a total of Rs. 6.75 Crores in 2024. On the request of the petitioner, an amount of Rs. 3 to 3.25 Crores were received in cash as part of the total sale consideration. This cash amount was routed through *hawala* transactions, as instructed by the petitioner, as per the statement of Satish Bhoyar. This is corroborated by the WhatsApp chat between the petitioner and Satish Bhoyar, regarding which the petitioner was questioned under Section 50 of the PMLA, 2002, on 18.11.2024. It is pertinent to note that the petitioner in his statement dated 16.11.2024, recorded under Section 50 of the PMLA, 2002, provided fabricated information, including the undervaluation of the aforementioned properties and failed to disclose the cash component paid by him in connection with the purchase of these properties. It is further alleged that the digital data extracted from the mobile phones of the petitioner revealed various WhatsApp chats containing photographs of Indian currency notes, information such as note numbers, amounts, and the contact details of various individuals showing his habitual involvement in *hawala* transactions, demonstrating that he was habitual operator engaged in sending and receiving money through the *hawala* route. He admitted the same in his statement. It is further alleged that from analysis of the ITRs filed by the petitioner and the business entities controlled by him and his family members, cash deposits in their bank accounts, and sudden exponential growth in their investment in shares and real estate were noticed. Further, shares worth Rs. 37.97 Crores in the demat account of Prerna Bajaj, daughter of the petitioner was found and freezed, in absence of any valid justification regarding the source of the investment in shares.

4. Learned senior counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is further submitted that from perusal of the DOE's case, it is evident that the ECIR was registered only on the basis of Rupaspur P.S. Case No. 18 of 2023 against Mr. Sanjeev Hans and others in which the petitioner was not named. Thereafter the accused Sanjeev Hans filed a criminal writ petition bearing Cr.W.J.C. No. 310 of 2023 for quashing of Rupaspur P.S. Case No. 18 of 2023 which was allowed and vide order dated 06.08.2023 the Hon'ble High Court have been pleased to quash the said Rupaspur P.S. Case No. 18 of 2023. Accordingly, in light of the quashing of the said Rupaspur P.S. Case No. 18 of 2023 which formed the predicate offence, the ECIR registered on 14.03.2024 became infructuous in light of the settled law of the Hon'ble Supreme Court and the case of the DoE as it then stood in the ECIR, had no basis/predicate offence to stand on.

Thereafter, in sheer contravention of the law, the DoE, without any valid ECIR, conducted search and seizure on 10.09.2024 and 11.09.2024 at the joint family residence-cum-office of the petitioner and seized several jewelleries, digital devices and cash amount of Rs. 27 lakhs which was illegal. It is further submitted that as the petitioner was travelling at the time of search, the wife of the petitioner made numerous efforts to explain before the officers of the DoE that the seized jewellery belonged to the ladies in the family as they lived in a joint family setup majority of which was a part of the *Streedhan* and acquired in late 1990's, reports whereof are also available with the petitioner. It is further submitted that after quashing of Rupaspur P.S. Case No. 18 of 2023, the DoE registered the present Addendum ECIR No. PTZO/04/2024 on 20.09.2024 on the basis of an F.I.R. No. 05/2024 which was lodged by the Special Vigilance Unit (SVU) Patna, Bihar, Case No. 05 of 2024 on 14.09.2024. The petitioner is neither named in the said SVU Case No. 05 of 2024 nor named in the present ECIR No. PTZO/04/2024 dated 20.09.2024. The petitioner was surprised when he received summons from the DoE and on account of ill health of the petitioner's mother, the petitioner after slight delay voluntarily appeared before the DoE at Patna Office on

21.10.2024 with all the relevant documents where he was arrested and subjected to physical assault, verbal abuse and threats including the threat that the petitioner's entire family would be implicated and subjected to the same treatment unless the petitioner complied with the demands of DoE. It is further submitted that it is a matter of record that the petitioner fully co-operated during the interrogation and even voluntarily provided his cell phone without any lock. He was subsequently interrogated till midnight and was coerced into signing seven sets of statements, each consisting of three documents which were exhausted and unaware of the contents. It is further submitted that the petitioner's arrest was wholly illegal. At the time when the petitioner presented himself for interrogation on 21.10.2024 pursuant to the summons, the petitioner was put under arrest without informing the petitioner the grounds or reasons for arrest. The above was a constitutional informity violating the petitioner's fundamental right guaranteed under Article 22(1) of the Constitution of India, which incurably vitiates petitioner's arrest and subsequent remand. The E.D. has arrested the petitioner merely on the basis of suspicion and unsubstantiated conjectures, whereas Section 19 of the PMLA, 2002 mandates that there must be material to demonstrate *"guilt"* of the arrestee. He has relied upon the case of **[*Vijay Madanlal Choudhary, 2022 SCC OnLine SC 929, para 322, 325*** and ***Arvind Kejriwal, Crl. A. No. 2493 of 2024 decided on 12.07.2024, para 67, 74 and 85*]**. It is further submitted that the above chronology of events, which can be duly verified from CCTV records at E.D. office would establish that no objective satisfaction had been arrived at which would give the designated authority reasons to believe that the petitioner was guilty of committing offence under the PMLA, before effecting petitioner's arrest, which as stated above was pre-meditated to coerce statements which could fit the narrative of the opposite parties and hence patently illegal and on this ground alone, the petitioner's arrest did not meet the conditions set out in Section 19(1) of the Act and was patently illegal. It is further submitted that in the present case, the Investigating Officer within minutes of the interrogation formed an opinion about the petitioner's involvement in the offence and effected arrest on papers in a clear case of colourable exercise of powers. Thereafter, the petitioner was constrained to retract from the statements taken from him under coercion during his custodial interrogation vide an application sent from jail on 22.11.2024 to the learned court below, once the petitioner was put in judicial custody after two

custodial remands for which, the DoE with a motive to teach the petitioner a lesson, conducted another search at the joint family residence-cum-office of the petitioner and arbitrarily froze approximately 70 bank accounts and other demat accounts belonging to not only the family of the petitioner but also their employees. Not only that, but the fact that several seized accounts are not even functional and are inoperative which speaks volumes of the manner in which the DoE has without any application of mind and in a mere mechanical manner have passed the freezing orders. It is further submitted that the law is no longer *res integra* that an illegal arrest or detention affected in teeth of constitutional safeguards cannot be cured by a judicial order of remand. It is further submitted that the order dated 22.10.2024, passed by the learned court below, being that unmindful and wholly ignoring the mandate of Section 19 of the PMLA, 2002 has recorded his satisfaction for passing an order of remand wholly on the basis of consideration of Section 41(1)(b)(ii) of the Cr.P.C. which is contrary to the mandate of Section 19 which deals with reasonable complaint or credible information or reasonable suspicion and totally omits to see if the arrest was based on *"Reason to believe"* as envisaged under Section 19 of the PMLA, 2002. The petitioner has already challenged the validity of the grounds of arrest and the order of remand by preferring a criminal writ before this Hon'ble Court vide C.W.J.C. No. 97787 of 2024 which is pending before this Hon'ble Court. However, the same grounds can also be looked into by a court dealing with a bail application as has now been settled by several judgements of the Hon'ble Apex Court rendered in the context of the PMLA offences. It is further submitted that the law is no longer *res integra* that where a Court dealing with a bail application finds that a fundamental right of an accused under Articles 21 and 22 has been violated, then such court is required to forthwith release the accused on bail and the statutory requirements like those enshrined under Section 45 of the PMLA would have no role to play. It is further submitted that the common feature forming the basis of allegation is that the co-accused Sanjeev Hans while holding important posts in the Government of Bihar and Government of India, through his associates and middlemen amassed money illegally and used his associates and middlemen to conceal it and project the same as genuine. It is important to emphasize that admittedly even on perusal of the DoE's case, the associates and middlemen are not confined to the petitioner, as such, the allegations *qua* the other co-accused firstly are not substantive piece of evidence and secondly cannot be a starting point of material to make out involvement of the petitioner in offences under the PMLA. The allegation against the petitioner is that the co-accused Sanjeev Hans has earned illicit money by indulging in corrupt practices and criminal activities relating to scheduled offences, while holding various prime postings in the Bihar Government as well in the Government of India and has generated proceeds of crime of Rs. 90 Crores with the assistance and involvement of his associates, which include the petitioner who has acted as a middleman/broker in facilitating the illegal deals between Sanjeev Hans and other private parties which are purported "chats running into 400 pages approx." between Sanjeev Hans and the petitioner. However, a perusal of the entire prosecution material would show that there is absolutely no reference to any chats between the petitioner and Sanjeev Hans, which could even remotely point to money either being received or given, or any property being held or disposed on behalf of Sanjeev Hans by the petitioner, so as to even *prima facie* establish any offence under the PMLA. The purported "400 pages of chats" between the petitioner and the co-accused Sanjeev Hans were of the period 2019 to 2020 and they further show that the petitioner and Sanjeev Hans knew each other well socially, which by no stretch of imagination is a crime and nothing which transpired between Sanjeev Hans and the petitioner from their earliest date of association was sought to be hidden or concealed and that the petitioner had co-operated during investigation and interrogation by offering his electronic devices including cell-phones in an unlocked state, without even being an allegation of the mobile phones being formatted. It is further submitted that the DoE has indicated that in the year 2023-24, the petitioner and his associated entities received in all Rs. 29 Crores from entities linked to the co-accused Pawan Dhoot and Dhoot Group of companies, which were essentially proceeds of crime, generated as commission/bribe paid to Sanjeev Hans for facilitating award of tender to M/S. Genus Power and helping it in its execution. The DoE has deliberately mislead the learned court below by suppressing vital facts, distorting facts, which are in public domain and only lead to one irresistible inference of there being reasonable grounds of believing that the petitioner was not involved in the purported offence of money laundering in so far as the present allegation is concerned. It has been completely suppressed that M/S. Genus Power and Pawan Dhoot through his company M/S. Dhoot Infra Pvt. Ltd., were closely associated for the last 25 years and later has executed several contracts as a consultant for M/S. Genus Power. It has further been suppressed that M/S. Genus Power was awarded two different tenders. It is further submitted that so far as the allegations with regard to transactions involving Geo-bags is concerned, the same is in the nature of unsubstantiated bald allegations to the effect that the petitioner for the first time traded in Geo bags only on account of the petitioner's close association with Sanjeev Hans, who was heading the Water Resources Department, Government of Bihar, at the relevant time. It is further submitted that the petitioner is an enterprising person, who started his journey as a travel agent, sold vitrified tiles and PVC electromats to various government and private players across different States for the first time including West Bengal, Odisha and Goa but never in Bihar even though Sanjeev Hans had been posted in Bihar since 2019 itself. If at all the petitioner was supposedly an agent/middleman for Sanjeev Hans, the petitioner could have easily been an authorised distributor for PVC electromats which is heavily consumed as a safety hazard preventive product in power stations/sub-stations, however, the petitioner was not able to sell even 1 sq mm of that product in Bihar, whereas, the petitioner had successfully supplied PVC electromats to various other private and government players in different States across India. The petitioner was appointed in the year 2010 as an agent by the consortium of Bharat Bhari Udyog Nigam Limited, a public sector undertaking and Consultants Combine Pvt. Ltd., for liaisoning and co-ordination work with Embassy of Gabon and other project officials of Government of Goa for facilitation of project work of construction at Bikele, Gabon. Even in the said instance, the petitioner had for the first time ever undertaken such a work. There is absolutely no allegation by the DoE that the Geo-bags were supplied over and above the government rates, or were sub-standard or were only shown to have been supplied on papers, so as to make out a case of its proceed a devise to project tainted money as a legal tender. Further, it is made clear that supply of Geo-bags were between two private entities and there was absolutely no involvement of the authorities of the State Government in the said transaction. There is not even a whisper, even for the sake of an allegation that any proceeds of crime were generated by Sanjeev Hans, which were layered and laundered by the petitioner on his behalf. In fact, the petitioner was a first timer in the above enterprise in itself cannot be a ground much less one under Section 19 of the Act, for believing that the petitioner had committed an offence of money laundering. It is further submitted that the allegation against the petitioner is that he started taking unsecured loans only after coming into contact with Sanjeev Hans are false and baseless. The DoE are in the possession of financial statements of the petitioner and the petitioner’s associated entities and family members, which would clearly show that unsecured loans were always availed of by the family from different private entities, through banking transactions and transfers. The aforesaid financial statements would in fact, further indicate that even on the recent unsecured loans availed of by the petitioner and his family members/associated entities, interest was being paid by way of bank transfers and out of a total sum of Rs. 48 Crores received by the petitioner as unsecured loans, nearly Rs. 23 Crores in principal have been duly repaid till date alongwith an interest component of Rs. 1 Crore, which are also duly reflected in the Income Tax Returns filed by the petitioner and in the possession of the DoE. For illustration, statements of confirmation of accounts provided by persons who advanced unsecured loans to the petitioner are being enclosed for kind consideration of this Hon’ble Court. It is relevant to point out that the petitioner had a keen interest in stock markets and the petitioner has NSE certifications, as well as experience as a portfolio fund manager at Jatan Investments. The petitioner had come in contact with the co-accused Sanjeev Hans in the year, 2014 itself. The DoE in their pleadings before the learned court below have admitted that out of unsecured loans, there are active demat accounts of the petitioner, his family members and so called associated entities, which they have frozen. There is absolutely no substantial evidence to suggest that the unsecured loans, which are all accounted for in the books, were ever part of the proceeds of crime generated by Sanjeev Hans through the predicate offences. The allegation against the petitioner is that he did not avail of unsecured loans or trade in the stock market prior to the petitioner's association with Sanjeev Hans, is baseless and speculative. Even in terms of the case set up by DoE on the ground of arrest, the petitioner is supposed to have known Sanjeev Hans during 2014-2019 when latter was posted in the Ministry of Consumer Affairs, and as such, even on such count the case of the prosecution completely fails. The allegation against the petitioner is that the co-accused Vipul Bansal in his statement under Section 50 of the PMLA, 2002 has revealed that the petitioner had acted as a liaison on behalf of the co-accused Sanjeev Hans for helping M/S. RNA Corp in the matter of its non-performing accounts (NPAs) with multiple banks including an account with the Bank of Baroda during the period 2020-21. A perusal of the allegation with regard to M/S. RNA Corp would show that the same is not based on any substantial piece of evidence but only on the basis of the statement of the co-accused Vipul Bansal, which in view of the law laid down in ***Prem Prakash (Supra)*** cannot be the starting point for establishing even *prima facie,* that the petitioner is guilty of offence of money laundering. The statement of the petitioner recorded under coercion while petitioner was under custody to the effect that the petitioner had received Rs. 3 lakhs in commission for arranging and facilitating the meeting at Mumbai, has already been retraced by the petitioner, in his own handwriting, without any lapse of time, soon after coming into judicial custody. The said admission was extracted under physical and mental abuse and threat of false implication of family members, for the obvious reason that the DoE do not have any material, much less substantial evidence to support the allegation. It is further submitted that the allegation in the prosecution complaint that from 3 diaries recovered during the search at the petitioner’s premises, details of 70 bank accounts were found mentioned in the said diaries and out of these 70 bank accounts, in 23 bank accounts huge cash deposits to the tune of Rs. 4.51 Crores were made during the period 2020-2024. However, the E.D. showing complete lack of fairness on its part, despite having bank statements available with them, which is part of the prosecution complaint as RUD 91 and which would reveal that a much higher cash withdrawal of Rs. 4.73 Crores was made during the same period from such 23 bank accounts. The petitioner for the sake of convenience and kind consideration of this Hon'ble Court has culled out a chart from RUD 91, setting out the details of cash deposits and cash withdrawals made against the said 23 bank accounts, as such, deposit of Rs. 4.5 Crores over a period of 5 years across 23 different bank accounts belonging to different entities, without taking into account the corresponding cash outflow is demonstrative of the arbitrary and mechanical manner in which the investigation has been conducted. The allegation against the petitioner is that he created a web of bank accounts for nefarious purposes is completely baseless. It is stated that 70 bank accounts belong to 48 different individuals/entities. What the E.D. has conveniently suppressed is that many of such accounts were dormant/inoperative at the relevant time. Secondly, one of the reasons for multiple accounts was the fact that the petitioner and his family members were changing their bank from HDFC to IDFC and AU Small Finance Banks, where bank accounts were recently opened sometime in the year 2023-24 and the petitioner and his family members were in the process of migrating from their former bank to the latter two. The allegation against the petitioner is also that he was a *hawala* operator and had been layering and laundering bribe and illicit money for Sanjeev Hans as well and unaccounted cash and jewellery were recovered from the petitioner's premises is false and baseless as the same are well accounted for as in income tax returns filed by the petitioner and his family members and jewellery valuation report which are in the possession of the DoE. The allegation with regard to the images of the currency notes that the DoE claims to have purportedly recovered from the petitioner's mobile, which the petitioner voluntarily brought in an unlocked and unformatted state at the time of the Section 50 statement on 21.10.2024 and was impounded by E.D. subsequently. If the said images were incriminating in nature qua the allegation of the petitioner laundering and layering proceeds of crime generated by Sanjeev Hans, it defies logic as to why would the petitioner knowing fully well that he was summoned under Section 50 in relation to instigation against

Sanjeev Hans, himself bring such images to the E.D.'s doorstep. It is further submitted that in fact, on the other hand, even as per DoE's case, the only alleged cash transactions, in terms of statements purportedly recorded under Section 17, with regard to which no presumptions are attached, are ones where the petitioner has purchased properties in his own name as well as in the names of his family members. There is nothing in the entire prosecution complaint except for a bald insinuation by the Investigating Officer that the properties in question were purchased *Benami* at the behest of Sanjeev Hans. In view of facts stated above, with regard to other allegations and particularly which reveal that the petitioner had neither procured any contract from Sanjeev Hans for himself or through tender process for M/S. Genus Power or received through M/S. Genus Power, payment for services rendered by the petitioner and his associate entities as alleged, etc., the question of the money even as per allegation sent through *hawala* transactions, cannot relate or refer to the proceeds of crime amassed by Sanjeev Hans for the purchase of such properties. It is further submitted that the petitioner is aged about 50 years and is having various ailments including hypertension and diabetic for which the petitioner was under constant medical supervision and on account of his stay in jail his ailments have worsened as he has not been able to get any proper treatment. It was pointed out that the petitioner weighed 109 kg on 22.10.2024 when he was sent to judicial custody. However, on 29.11.2024, his weight had reduced to 96 kg and such abnormal fall in weight required immediate medical treatment. The petitioner also complained of depression, dizziness, anxiety and severe back pain during the judicial custody. The petitioner is ailing from several co-morbidities for several years, which only aggravates and worsens with time. The drastic loss of weight and requirement of better medical treatment outside of jail is an admitted position in terms of the reply of the DoE filed before the learned court below and the medical report dated 09.12.2024 respectively. The petitioner is also ailing from pulmonary fibrosis, which is an acute medical condition and the petitioner craves leave to produce relevant medical journals including those published by the Government of India in support of the said contention at the time of hearing. It is further submitted that the learned court below vide its order dated 13.12.2024 had directed the authorities to take the petitioner for better treatment, which has not been done till date. The petitioner's health continues to worsen and the petitioner is facing breathing difficulties for which the petitioner was produced in the hail OPD, where only inhaler for Asthma, which contains steroids, were prescribed and no proper treatment is being rendered to the petitioner. In similar circumstances, where the accused was suffering from various ailments for a number of years and was required to undergo better treatment outside of jail premises, the Hon'ble Delhi High Court in the case of ***Devki Nandan Garg Vs. Directorate of Enforcement, 2022 SCC OnLine Del 3086,*** extended the benefit of proviso of Section 45 of the PMLA and granted bail to the accused. The petitioner is being deprived of his right to life and liberty, which is a fundamental right, in contravention of Article 21 of the Constitution of India which is illegal and *ultra vires* the Constitution. 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 other co-accused ***Sanjeev***

Hans has also already been granted bail by a Bench of this Court in ***Cr. Misc. No. 22880 of 2025*** vide order dated ***16.10.2025***. It is further submitted that the petitioner has clean antecedent as stated in paragraph 3 of the bail petition. The petitioner is in custody since 22.10.2024 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. 92/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 the 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 the 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 the 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 the I.T. Act against Gulab Yadav (Ex. MLA, RJD, (2015-2020) and others and the 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 the P.C. 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 the 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 the 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 the Special Trial (PMLA) Case No. 10/2024 and 01/2025 can be concluded.

6. Learned counsel for the opposite party by filing a counter affidavit dated 03.07.2025 on behalf of the opposite

party has vehemently opposed the prayer for bail of the petitioner by submitting that the petitioner has been a close associate of Sanjeev Hans and other private parties which resulted in the generation of proceeds of crime. They have been in constant touch with each other through WhatsApp and face time. The data extracted from the mobile phone of Sanjeev Hans revealed chats running into 400 pages approx between them. Analysis of the chats revealed that the petitioner has been closely involved in the official and personal affairs of Sanjeev Hans. It is further submitted that the investigation as discussed in the foregoing para revealed that the petitioner has been instrumental in receiving bribe money for Sanjeev Hans from M/S. RNA Corp through Vipul Bansal and also in creating structure involving web of entity and their bank accounts for passing on bribe money meant for Sanjeev Hans from M/S. Genus Power Infrastructure Limited, a contractor of Energy Department, Government of Bihar through Dhoot Infrastructure Projects Limited. It is further submitted that Vipul Bansal further stated that the bribe amount of Rs. 1 Crore has been paid to Sanjeev Hans through the co-accused Shadab Khan and the petitioner, associates of Sanjeev Hans, in various tranches. Vipul Bansal stated that Sanjeev Hans had provided mobile number of

Shadab Khan and the petitioner to him for transfer of the bribe amount. Sharing of mobile number of the petitioner is evident from the WhatsApp chats of Sanjeev Hans with Vipul Bansal. Vipul Bansal in his statement dated 18.09.2024 and 19.09.2024 given under Section 50 of the PMLA, 2002 mentioned that the petitioner was a liaison who had contacts with senior banking officials, and Sanjeev Hans provided his contact number. He mentioned about meeting of the petitioner in New Delhi and Sanjeev Hans was also present there and he only introduced him with the petitioner. He further mentioned that M/S. RNA Corp held several non-performing accounts (NPAs) with multiple banks, including an account in the Bank of Baroda during the period of 2020-21 and Sanjeev Hans introduced the petitioner to help M/S. RNA Corp in the said matter. To address this matter, a meeting was arranged between a senior official of the Bank of Baroda and Anubhav Agarwal in the Hotel Trident at Nariman Point, Mumbai, facilitated by the petitioner. For organizing this meeting, Anubhav Agarwal paid Rs. 3 lakhs to the petitioner. It is further submitted that during the course of investigation, an analysis of the bank accounts of the petitioner and his associated entities revealed that they received a payment of Rs. 29 Crores during the financial year 2023-24 from entities linked to Mr.

Pawan Dhoot, Dhoot Group of Companies. When the petitioner was questioned about the reason for such a substantial payment during his statement under Section 50 of the PMLA, 2002, he explained that M/S. Genus Power Infrastructure Ltd., had awarded a contract for surveying smart meters to entities associated with the Dhoot Group. This contract, he stated, was further subcontracted to M/S. Prerna Smart Solutions, an entity owned by the petitioner. 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 the petitioner. The petitioner 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. It is further submitted that from analysis of the Digital Devices of the petitioner, various invoices and ledgers have been recovered. These invoices/bills have been raised by M/S. Prerna Smart Solutions to Dhoot Infrastructure Projects under HSN 99611 for liasoning and commission charges. Further another invoice of Rs. 2.12 crores raised by Prerna Marketing and Sales to Dhoot Properties is under HSN 998311 that is Advisory fees. In none of the ledgers or invoices recovered there is mention of survey work. It is further submitted that Shri Mahadev Prashad Bajaj, the brother of the petitioner, who is a Director with Sunita Bajaj, the wife of the petitioner, in M/S. Prerna Smart Solutions, was asked to provide the details of the alleged survey work and supporting correspondences both physical and digital with Dhoot Group of entities to which he stated that he is the Director in the company for namesake and all business affairs are controlled by his brother i.e., the petitioner Pushpraj Bajaj. He also failed to provide any such details and documents to prove any survey carried out by M/S. Prerna Smart Solutions. It is further submitted that during the course of investigation, statement dated 09.12.2024 of Shri Jitender Agarwal, Joint Managing Director and the son of the Chairman of M/S. Genus Group recorded under Section 50 of the PMLA, 2002. The said statement revealed that Pawan Dhoot and his companies were not involved in conducting surveys (pre bid or post-bid) for the installation of smart meters in South and North Bihar DISCOMs. Their role were limited to providing consultancy and liaison services for the projects in Bihar. Surveys for projects awarded by the both DISCOMs of the Government of Bihar were primarily carried out by subcontractors (Bihar based) of

M/S. Genus Group, whose list he had provided and the name of M/S. Dhoot Infrastructure Projects Limited was not included in the said list. Additionally, he mentioned that Pre-bind contract surveys were conducted by the Genus Group's internal team. It is further submitted that Jitender Agarwal, Joint Managing Director of M/S. Genus Power Infrastructure Limited 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. Dhoot Infrastructure Projects Limited as discussed in the alleged agreement and also to provide supporting correspondences (both physical and digital) wherein he failed to provide any. It is further submitted that the facts disclosed by Pawan Dhoot in his statement recorded under Section 50 of the PMLA, 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 the petitioner, namely, M/S. Prerna Smart Solution Private Limited relying upon petitioner's contracts in the Energy Department, Government of Bihar and mainly on the basis of his closeness with Sanjeev Hans, the then CMD, M/S. Bihar State Power

Holding Company Limited (BSPHCL). As regard the alleged liaisoning, he stated that he gathered insider information from the Energy Department through the petitioner and passed on the same to Jitendra Kumar Agrawal of Genus Group which helped them in the tendering process and later in the 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 Infrastructure Projects Limited, it is noticed that the said agreement is signed by the petitioner 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 document created to give a genuine appearance to the sham transactions and to mask its actual nature and purpose. It is further submitted that from the aforementioned facts and discussions, it becomes evident that money routed from M/S. Genus Power Infrastructure Limited through the entity of Pawan Dhoot, namely, M/S. Dhoot Infrastructure Projects Limited to the entity of the petitioner, namely, M/S. Prerna Smart Solution Private Limited were routed without any valid justification and supporting documentary evidences and hence without any actual work. Therefore, the money were nothing but kickbacks for Sanjeev Hans and his above named associates involved in routing of such money and creating of such layering and laundering network through web of entities and their bank accounts for facilitating M/S. Genus Power Infrastructure Limited in securing power tenders/contracts from both discoms, Government of Bihar and also for smooth operations/execution of the contracts through abuse of the office and position by Sanjeev Hans. It is further submitted that the petitioner without having any prior knowledge and expertise of the business of Geobags, started supplying Geobags to various vendors in the Water Resources Department, Government of Bihar. It is also noticed that he started business of supplying Geobags to the Water Resources Department, Government of Bihar, during the period 2020-2023 when Sanjeev Hans was working as Secretary in the Department. It is further noticed that he could do this with the support of Sanjeev Hans only. He stated that he was recommended by Sanjeev Hans to the Vendor and the Engineers of W.R.D., Bihar, while he was posted as Secretary in the Department. It is pertinent to mention that prior to his association with Sanjeev Hans, the petitioner had never engaged in the supply of Geobags, had not conducted any survey work related to smart meter installations, was not involved in share market trading, had not availed substantial unsecured loans, and had not acquired any immovable properties. All such activities and acquisitions by the petitioner coincided with the period 2019-2024 during which Sanjeev Hans held prominent positions in the Water Resources Department (WRD) and the Energy Department of the Government of Bihar. Given the established pattern of Sanjeev Hans acquiring assets in the names of his associates as *Benami* properties, it is evident that the payments made by M/S. Genus Power Infrastructure Limited to M/S. Dhoot Infrastructure Projects Limited of Mr. Pawan Dhoot and its further transfer to the entities linked to the petitioner represent nothing but bribes intended for Sanjeev Hans and the petitioner. These payments were made to secure/facilitate tenders/projects for M/S. Genus Power Infrastructure Ltd., and its subsidiaries from the Energy Department of Bihar. Furthermore, it is apparent that the assets, both movable and immovable, held by the petitioner and his family members or entities, constitute *Benami* properties of Sanjeev Hans, amassed through illegal gratifications during his tenure in the W.R.D. and the Energy Department, Government of Bihar. It is further submitted that during search operations at the residence of the petitioner i.e., CD 151, Salt Lake, Sector-1, Kolkata on 11.09.2024, three diaries were found and seized from the said residence vide panchanama dated 11.09.2024. The perusal of these diaries revealed details of 70 Bank Accounts that were mentioned in these diaries. It was also revealed that out of 70 accounts, huge cash deposits to the tune of Rs. 4,51,85,611/- have been made in 23 accounts belonging to the petitioner, his family members, entities and employees/known persons during the period from 2020 to 2024. Further, during search operation conducted at the residence of the petitioner on 11.09.2024 and 12.09.2024, unexplained cash amount of Rs. 27 lakhs, gold jewellery and silver in bullion worth Rs. 1.6 Crores and 11 lakhs approx respectively have been recovered and seized and no proper explanation were given. It is further submitted that the investigation uncovers a well-orchestrated conspiracy by which Sanjeev Hans in connection with the petitioner layered and concealed the proceeds of crime. The petitioner in his statements given under Section 50 of the PMLA, 2002 on 02.11.2024, 03.11.2024, 16.11.2024, 17.11.2024 and 18.11.2024 stated that he by availing unsecured loans from Kolkata-based entities, has been investing in share market via demat accounts in the names of his family members. When inquired, he explained that after coming in contact with Sanjeev Hans he had started availing these alleged unsecured loans. However, he stated that he lacked any knowledge of most of these entities and failed to provide supporting documentation, highlighting the use of fictitious transactions to obscure the origin of funds. It is further submitted that during the course of investigation, searches were conducted on 03.12.2024 at various locations. Shri Dhirendra Madan of M/S. Mahima Group, Jaipur, in his statement dated 03.12.2024, recorded under Section 17 of the PMLA, 2002, revealed that the petitioner had purchased three units in the name of his brother, Mahadeo Bajaj and his wife Sunita Bajaj, in M/S. Mahima Group's Project titled "Mansion Royal", with an investment of Rs. 7.2 Crores between 2022 to 2024, out of which, Rs. 5.4 Crores were paid in cash. Additionally, the statement of Mr. Satish Bhoyar, (a Nagpur based seller of property) was recorded under Section 17 of the PMLA, 2002 in which he disclosed that the petitioner had purchased three land parcels, (totalling Rs. 13.5 acres), one owned by him and the other two owned by his father and uncles, located in Nagpur, for a total of Rs. 6.75 Crores in 2024. On the request of the petitioner, an amount of Rs. 3 to 3.25 Crores were received in cash as part of the total sale consideration. The total consideration of Rs. 6.75 Crores of the property are corroborated with the valuation report dated 13.12.2024 of Er. Parveen Sharma, government approved valuer who has given valuation of the property to the tune of Rs. 6.83 Crores. This cash amount was routed through *hawala* transactions, as instructed by the petitioner, as per the statement of Satish Bhoyar. This is corroborated by a WhatsApp chat between the petitioner and Satish Bhoyar, regarding which the petitioner was questioned under Section 50 of the PMLA, 2002, on 18.11.2024. It is pertinent to note that in his statement dated 16.11.2024, recorded under Section 50 of the PMLA, 2002, the petitioner provided fabricated information, including the undervaluation of the aforementioned properties and failed to disclose the cash component paid by him in connection with the purchase of these properties. It is further submitted that the digital data extracted from the mobile phones of the petitioner revealed various WahtsApp chats containing photographs of Indian currency notes, information such as note numbers, amounts, and the contact details of various individuals. These pieces of evidence substantiate his involvement in *hawala* transactions, demonstrating that he was habitual operator engaged in sending and receiving money through the hawala route. Moreover, in his statement recorded under Section 50 of the PMLA, 2002 dated 31.10.2024, the petitioner stated to having received/sent money via the *hawala* route. These chats were between 2021 to 2024. It is further submitted that during the investigation, the ITRs filed by the petitioner and the business entities controlled by him and his family members were obtained under Section 54 of the PMLA, 2002 and were analysed. From the analysis of the ITRs, it is noticed that cash deposits in their bank accounts, and sudden exponential growth in their investment in shares and real estate are not proportional to the ITRs filed by them. In view of the above analysis, it is clear that prior to the Financial Year-2021-22 i.e., the period when Sanjeev Hans was holding prime postings in W.R.D. and the Energy Department, Government of Bihar and when the petitioner started working/liaisoning for the departments of Sanjeev Hans, the income of the petitioner and his family members/associated entities is hardly any. The family has typically middle-class income pattern. None of the family members/associated entity had income above Rs. 4 lakhs and Rs. 5 lakhs till the Financial Year-2020-21 and the Financial Year-2021-22 respectively barring Sunita Bajaj, the wife of the petitioner, having income of Rs. 4.17 lakhs and Rs. 7.07 lakhs in the Financial Year-2020-21 and 21-22 respectively. However, utilization of funds in cash in real estate deals, investment in shares through Demat accounts, cash deposits and account balances in their bank accounts started swelling disproportionately in the Financial Year-2022-23 the year when illicit deals involving Sanjeev Hans, the petitioner and other persons/entities started taking place in the Energy Department, Government of Bihar. The funds transferred to the accounts (bank/Demat) of the family members/associated entity of the petitioner in the guise of incomer from the Water Resources Department, Government of Bihar, Liaisoning in Energy Department, Government of Bihar and in the form of unsecured loans from various Kolkata-based paper entities are nothing but the proceeds of crime generated by Sanjeev Hans and his associates including the petitioner and layering, laundering and concealment of the same in the above manner. Learned counsel for the opposite party has further submitted that the statements under Section 50 of the PMLA, 2002 are admissible and can be relied upon to reject the bail. Reliance is being placed on the following judgements:- ***Vijay Madanlal Choudhary & Ors Vs. Union of India & Ors (2022), Kashmira Singh Vs. State of Madhya Pradesh, AIR 1952 SC 159, Tarun Kumar Vs.***

Enforcement Directorate 2023 SCC OnLine SC 1486, Rohit Tandon Vs. Directorate of Enforcement (2018) 11 SCC 46. Learned counsel for the opposite party has further submitted that the Hon'ble Supreme Court in the case of ***Gautam Kundu (2015) 16 SCC 1*** observed that Section 45 of the PMLA, 2002 imposes two conditions for grant of bail, specified under the said Act. It will have overridden effect on the general provisions of the Code of Criminal Procedure in case of conflict between them. In such circumstances, if the petitioner is granted bail he may indulge into the practice of influencing the prosecution witnesses and tamper the evidence in the instant case. Therefore, in view of the twin conditions laid as under Section 45 of the PMLA, 2002, the instant petition is liable to be rejected. Moreover, reliance is placed upon the judgement of the Hon'ble Supreme Court in ***Enforcement Directorate Vs. Aditya Tripathi, 2023 SCC Online SC 619*** wherein the Hon'ble Supreme Court has been pleased to set-aside the bail order of the Hon'ble Telangana High Court, Hyderabad. Learned counsel for the opposite party has further relied upon the judgement of the Hon'ble Supreme Court in the case of ***Radhika Agarwal Vs. Union of India, 2025 INSC 272.*** In light of the submissions made herein above, read alongside the allegations and evidence contained against the present petitioner in the prosecution complaint, it is submitted that the petitioner in connivance with Pawan Dhoot, Uttam Kumar Daga and other was involved in the generation of the proceeds of crime amounting to Rs. 81.18 Crores. He further assisted Sanjeev Hans in the layering, laundering, concealment and projection of the said proceeds of crime as untainted. Thus, the petitioner is directly involved in the processes and activities connected with the generation, concealment, possession, and use of the proceeds of crime, including their projection as untainted property, and has thereby committed the offence of money laundering under Section 3 of the PMLA, 2002, and fails to fulfil the mandatory twin conditions under Section 45 of the PMLA, 2022 and hence, the present bail application deserves to be rejected.

7. 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 series of decisions of the Hon’ble Apex 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 and 13 days 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 135 witnesses and document of more than 26,740 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 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.

8. 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.

9. The application stands allowed.

(Chandra Prakash Singh, J)

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