IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26793 of 2025

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

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Vipul Bansal, aged about 52 years, Gender-Male, S/o Shri. Dhan Prakash Bansal, R/O-E-1503, Rustomjee Seasons, Madhusudhan Kalelkar Marg, Kalanagar, Bandra East, P.S.- Kherwadi, P.O.- East Bandra, Government Colony, Mumbai-400051. (Presently in Judicial Custody in Beur Jail).

... ... Petitioner

Versus

The Union Of India, through the Assistant Director, Patna Zonal Office, Enforcement Directorate 1st Floor, Chandpura Place, Bank Road, West Gandhi Maidan, Patna 800001. Email id adptzo21-ed@gov.in

... ... Opposite Party

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Appearance :

For the Petitioner	:	Mr. Ashutosh Nath, Advocate (AOR), Mr. Aarohi Mikkileni, Advocate, Mr. Amit Bhashkar, Advocate, Mr. Kanhaiya Rao, Advocate and Mr. Amritanshu Dangi, Advocate, Mr. Kunal Roushan, Advocate and Mr. Aatif Iqbal, Advocate.
For the Opposite Party	:	Mr. Zohaib Hassain, Advocate (Special Counsel for E.D.), Mr. Tuhin Shankar, Advocate, (E.D.), Mr. Prabhat Kumar Singh, Advocate (Spl. P.P., E.D.), Mr. Pranjal Tripathi, Advocate and Mr. Vishal Kumar Singh (Legal Consultant, E.D.)

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

13 24-09-2025 Heard learned senior counsel for the petitioner and learned counsel for the opposite party.

2. The petitioner seeks bail in connection with Special Case (PMLA) No. 10 of 2024 in relation to ECIR PTZO/04/2024 dated 14.03.2024 and Addendum ECIR dated 20.09.2024 in which Prosecution Complaint dated 16.12.2024 has been submitted in Special Case (under the Prevention of Money Laundering Act, 2002), (hereinafter referred to as the

‘PMLA), 2002 registered for the offences punishable under Sections 3 and 4 of the PMLA, 2002.

3. As per the prosecution case, the DoE initiated investigation 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 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 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 the 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, 1988 against the accused Sanjeev Hans 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 surfaced that the 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 accused Sanjeev Hans and assisted him in earning and accommodating the illegal money generated from the corrupt practices. It is further submitted that Vipul Bansal (petitioner) happens to be the friend of the accused Sanjeev Hans from IIT Delhi. The petitioner is an associate of Sanjeev Hans. He has assisted him in generation and layering and laundering of money from the corrupt practices while his postings in the Government of India as Private Secretary (PS) to the then Cabinet Minister of Consumer Affairs, Food and Public Distribution during the period of 2014-2019. The petitioner was working with a company, namely, M/S RNA Corp which is involved in real estate sector in Mumbai. M/S RNA Corp is headed by Anubhav Agarwal, Saranga Agarwal, the mother of Anubhav Agarwal, was the promoter director of M/S East and West Builders, which is a sister concern/company of M/S RNA Corp. During the course of investigation, WhatsApp chats of the accused Sanjeev Hans and Vipul Bansal (petitioner) were forensically extracted from the mobile phone of Sanjeev Hans. From the extracted chats, it was revealed that Vipul Bansal (petitioner) approached the accused Sanjeev Hans to get favourable orders from the National Consumer Dispute Redressal Commission (hereinafter referred to as 'NCDRC') in case of builder-buyer dispute of M/S East and West Builders (sister concern of M/S RNA Corp) and its promoters. It is pertinent to mention here that during the months of June 2014-July 2019), the accused Sanjeev Hans was working as Private Secretary to the then Minister of Consumer Affairs, Food and Public Distribution. The said ministry is nodal ministry for the 'NCDRC'. It is further alleged that during search, proceedings statement of Vipul Bansal (petitioner) was recorded on 11.09.2024 under Section 17 of the PMLA, 2002 and further his statement was also recorded on 18.09.2024 and 19.09. 2024 under Section 50 of PMLA. In the said statements, Vipul Bansal (petitioner) has stated to have arranged meeting between the accused Sanjeev Hans and Anubhav Agarwal (one of the promoters of RNA Group) in which Anubhav Agarwal has agreed to pay the bribe of Rs. 1 Crore to the accused Sanjeev Hans to get favourable orders from the 'NCDRC' in the cases concerning buyer-builder dispute in respect with M/S. East and West Builders. He further stated that the accused Sanjeev Hans has managed to get adjournments on two separate dates from the 'NCDRC' Bench for M/S. East and West Builders for compliance of the Bench's order and also managed to avoid arrest of Saranga Agarwal (the mother of Anubhav Agarwal), promoter director of M/S. East and West Builders. Therefore, by managing two dates and avoiding arrest of Saranga Agarwal, the total amount of nearly Rs. 1 Crore was paid by Anubhav Agarwal to the accused Sanjeev Hans through Vipul Bansal (petitioner). It is pertinent to mention here that during the investigation, it was revealed that Saranga Agarwal was arrested by the 'NCDRC' but immediately after the arrest, she was released on furnishing the bail bond. Vipul Bansal (petitioner) further stated that the bribe amount of Rs. 1 Crore was paid to the accused Sanjeev Hans through the accused Shadab Khan and Pushpraj Bajaj in various tranches. Vipul

Bansal (petitioner) stated that the accused Sanjeev Hans has provided mobile number of Shadab Khan and Pushpraj Bajaj to him for transferring of the bribe amount. Vipul Bansal (petitioner) in his statements dated 18.09.2024 and 19.09.2024 under Section 50(2) and (3) of PMLA, 2002 mentioned that Pushpraj Bajaj was a liaison who had contacts with senior banking officials, and Sanjeev Hans had provided his contact number for payment and receipt of bribe for managing the case of M/S. East and West Builders in the 'NCDRC'. He managed the meeting of Pushpraj Bajaj in New Delhi, where the accused Sanjeev Hans was also present and introduced him to Pushpraj Bajaj. He further mentioned that M/S. RNA Corp held several non-performing accounts (NPAs) with multiple banks, including an account with Bank of Baroda during the period of 2020-2021 and Sanjeev Hans introduced Pushpraj Bajaj to help M/S. RNA Corp in the said matter. To address this matter, a meeting was arranged between a senior official of Bank of Baroda and Anubhav Agarwal in Hotel Trident at Nariman Point, Mumbai, facilitated by Pushpraj Bajaj. For organizing this meeting, Anubhav Agarwal paid Rs. 3,00,000/- to Pushpraj Bajaj. The facts can be corroborated from WhatsApp chats of Sanjeev Hans and Vipul Bansal (petitioner) and Sanjeev Hans and Pushpraj

Bajaj which were forensically extracted from Sanjeev Hans's mobiles. It is further alleged that the digital data extracted from the mobile phones of Shadab Khan and Pushpraj Bajaj revealed various photographs of Indian currency notes which are in direct link with the hawala transactions. Additionally, their WhatsApp chats contain 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 dated 31.10.2024 and 02.11.2024, Pushpraj Bajaj and Shadab Khan, respectively stated to having received/sent money via the hawala route. It is further alleged that during the investigation, it was also revealed that the bribe of Rs. 15,00,000/- was paid by Vipul Bansal (petitioner) from the account of his brother Mukul Bansal to Sanjeev Hans in the Bank Account No. 20157178962 of Devinder Singh Anand, maintained with Bank of Maharashtra. This fact is corroborated from WhatsApp chats of Sanjeev Hans and Devinder Singh Anand and Sanjeev Hans and Vipul Bansal (petitioner) extracted from the mobile phones of Sanjeev Hans, wherein he asks

Devinder Singh Anand to receive funds of Rs. 15,00,000/- in his account. In response, Devinder Singh Anand shared picture of a cheque of his bank account. Simultaneously, Sanjeev Hans asked Vipul Bansal (petitioner) to transfer Rs. 15,00,000/- in Devinder Singh Anand's Bank Account. These facts are corroborated from the credit of Rs. 15,00,000/- in the Bank Account No. 20157178962 of Devender Singh Anand from the account of Mukul Bansal who is the brother of Vipul Bansal (petitioner). During the course of the search operation on 11.09.2024 at the premises of Vipul Bansal (petitioner) under Section 17 of the PMLA, cash amounting to Rs. 60,00,000/- was recovered and seized. On being asked about the source of the cash, Vipul Bansal (petitioner) was unable to provide satisfactory reply.

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 for the first time, one Gayatri Kumari filed a Complaint Case No. 1122 of 2021 on 16.11.2021 before the learned A.C.J.M., Danapur, Patna, which came to be registered as an F.I.R. under Section 156(3) of the I.P.C. bearing Rupaspur P.S. Case No. 18 of 2023 on 09.01.2023 for the offences punishable under Sections 323,

341, 376, 376D, 420, 313, 120B, 504, 506 read with Section 34 of the I.P.C. and Section 67 of the I.T. Act against Gulab Yadav, an Ex-MLA, RJD, 2015-2020, Sanjeev Hans, an IAS of Bihar Cadre 1997 Batch and Lalit the servant of Gulab Yadav for committing rape and sexual harassment on the said informant Gayatri Kumari, for cheating, criminal conspiracy, misuse of official position and involvement in the corruption in which the petitioner is not named. Thereafter, during the course of investigation of the aforesaid Rupaspur P.S. Case No. 18 of 2023, another Special Vigilance Unit (SVU) Patna Case No. 05 of 2024 was registered on 14.09.2024 by the Special Vigilance Unit (SVU), Patna for the offences punishable under Sections 120B, 420 of the I.P.C., 61, 318(4) of the B.N.S., 2023 and Sections 7 r/w 12, r/w 13(1)(a) r/w 13(1)(b) r/w 13(2) of the P.C. Act against Sanjeev Hans and thirteen (13) other accused persons in which the petitioner is also not named. Thereafter an ECIR/PTZO/04/2024 was registered on 14.03.2024 and its supplementary Addendum ECIR No. PTZO/04/2024 was registered on 20.08.2024 against Sanjeev Hans and Gulab Yadav and others on the basis of Special Vigilance Unit (SVU), Patna Case No. 05 of 2024 in which the petitioner is also not named. It is further submitted that a raid was conducted by the opposite party at the residence of the petitioner and pursuant to the said raid, the name of the petitioner was arrayed as an accused and he was arrested on 12.11.2024 from the Patna Zonal Office wherein he appeared before the opposite party and summon was issued under Section 50 of the PMLA, 2002. He was also supplied with the arrest memo, personal search memo and intimation of arrest with grounds of arrest on the same day. It is further submitted that with respect to the aforesaid ECIR, the opposite party has filed prosecution complaint on 16.12.2024 before the learned Special Judge (PMLA)/learned District and Sessions Judge, Patna Sadar Civil Court which came to be registered as Special Case No. 10 of 2024 under the PMLA in which the petitioner was not made accused. Thereafter, the opposite party has again filed a supplementary prosecution complaint on 09.01.2025 in which, for the first time, the petitioner was made accused as Accused No. 15. In the said supplementary prosecution complaint, it is alleged that when the petitioner was working with RNA Builders, a real estate company in Mumbai whose promoters include Mr. Anubhav Agarwal. The allegations leveled in the matter related to proceedings of the NCDRC, New Delhi, having no connection whatsoever with the alleged scheduled offence. It is further submitted that the petitioner was arrested on 12.11.2024 and remanded from 21.11.2024 to 27.11.2024 and he was interrogated for only three days and he is in custody since 28.11.2024 and he has not been interrogated by the opposite party in judicial custody since then even once. However, the opposite party requested the other accused persons for remand twice. Therefore, it is clear that the petitioner is not required for any investigation in the matter. It is further submitted that the petitioner is neither named nor has any connection with Rupaspur P.S. Case No. 18 of 2023 dated 09.01.2023 nor with the Special Vigilance Unit (SVU), Bihar, Patna Case No. 05/2024 dated 14.09.2024 and in fact, even the allegations made by the opposite party in the supplementary prosecution complaint, the petitioner has no connection whatsoever with the said F.I.Rs. It is further submitted that during the course of search and seizure, the statement of the petitioner was recorded under Section 17 of the PMLA under extreme duress and he was subjected to extreme harassment and his signature on the fabricated draft was taken under threat and coercion. However, subsequently, the petitioner retracted from his earlier statement made before the opposite party. The opposite party has not complied the grounds of arrest with the threshold requirement of

Section 19 of the PMLA, inasmuch as, the facts mentioned therein were in the form of misrepresentation (including by referring to the petitioner as an associate of Sanjeev Hans, by alleging that the petitioner had given alleged bribe of Rs. 1 Crore or that the petitioner had allegedly admitted to the same in his purported statements made under Section 17 of the PMLA), there was an absolute absence of scheduled offence and there was no necessity of arresting the petitioner herein, and on the grounds mentioned in the present bail petition which are not repeated herein for the sake of brevity and to avoid repetition. It is further submitted that the petitioner retracted from his earlier statement which was made before the opposite party on 07.12.2024 by filing the same on 09.12.2024 on the ground that he was subjected to constant threat of arrest while his statement was recorded by the opposite party. He was also harassed and repeatedly abused as well as made to sign drafted statements. It is the conduct of the opposite party that the retraction of the petitioner is severely delayed but it is submitted that the petitioner ever since the very first statement which was signed under severe duress has always been cognizant of the fact that the statements being signed were absolutely false and were drafted statements prepared by the opposite party. However, it was solely due to the repeated threat of arrest which was on the petitioner that he could not retract his statements while being under such pressure and post his arrest, he feared continued harassment and abusive behaviour during remand. It is further submitted that the learned court below in his order dated 19.03.2023 has not considered that the petitioner has deep roots in the society and he is a respectable person and there are no chances or either tampering with the evidence and of influencing the witnesses, and thus, the petitioner satisfied the triple test. There was clear violation of the fundamental rights of the petitioner and speedy trial under Article 21 of the Constitution of India having a mitigating effect on the twin conditions under the PMLA as such. The petitioner was arrested on 12.11.2024 and there was no likelihood of commencement of trial in near future, no cognizance has been taken on the supplementary prosecution complaint, the voluminous record of the prosecution complaint and the supplementary prosecution complaint including 120 relied upon the documents running into thousands of pages and around 60 prosecution witnesses, several accused persons have not been summoned to appear before the learned trial court, further investigation is going on the transaction alleged against the petitioner, the alleged main co-accused Mr. Anubhav Agarwal was already on interim bail and even his statement has not been recorded. It is further submitted that the case of the petitioner is duly covered under the proviso of Section 45 of the PMLA, 2002 (i) the allegation pertaining to the petitioner, even at the best, pertained to an amount of less than Rs. 1 Crore; (ii) the petitioner is also suffering from several medical ailments. The allegation made by the opposite party against the petitioner in the supplementary prosecution complaint are that the petitioner is allegedly an associate of Sanjeev Hans and he arranged meetings between Sanjeev Hans and Anubhav Agarwal. For managing two dates and commitment for non-arrest of Mrs. Saranga Agarwal, Rs. 1 Crore was paid by Mr. Anubhav Agarwal to Sanjeev Hans through the petitioner which was paid through Mr. Shadab Khan and Mr. Pushpraj Bajaj in various tranches and Rs. 15,00,000/- was paid to Sanjeev Hans in the bank account of Devindra Singh Anand from the account of the brother of the petitioner, namely, Mukul Bansal and an amount of Rs. 60,00,000/- was recovered from the residence of the petitioner under Section 17 of the PMLA and purportedly the petitioner failed to provide the sources of the said cash. In this regard, it is submitted that none of the above allegations levelled by the opposite party forms part of any scheduled offence and that the opposite party has, to proceed against the petitioner, sought to increase the scope of the F.I.Rs., which is impermissible in the eyes of law. Learned senior counsel for the petitioner has submitted that no offence is made out under the P.C. Act against the petitioner as demand, delivery and possession of the amount in question was not paid by the petitioner. The petitioner is neither the bribe giver and nor the bribe receiver. There is no demand of bribe on behalf of the petitioner. There is no description of Rs. 1 Crore which was given by the petitioner. There is no mention under Section 50 of the PMLA, 2002 with regard to bribe giver and bribe acceptance. Learned senior counsel for the petitioner has further relied upon the judgment in the case of ***Vijay Madanlal Chouodhary Vs. Union of India, reported in (2022 SCC OnLine SC 929), Para 253.*** It is further submitted that the petitioner is willing to abide by any condition imposed by this Hon’ble Court. The petitioner has no concern with the alleged offence. It is further submitted that the petitioner has been alleged for paying Rs. 1 Crore (bribe money) from Anubhav Agarwal to Sanjeev Hans, further Rs. 60,00,000/-(lakhs) has been seized under Section 17 of the PMLA from the residence of the petitioner. It is evident that from paragraph 3 (page 52) of

(12.2) statement of the petitioner under Section 50 (2)(3) of the PMLA, 2002. The earning of the petitioner was 5 Crore annually in RNA Corp which shows that there was no necessity for the petitioner to take the bribe money of such amount which clearly implicates that the seized amount does not falls under the ambit of Proceeds of Crime. As per Section 2 1(u) of the PMLA, 2002, Proceeds of Crime means any property derived or obtained directly or indirectly, by any person as a result of criminal activity relating to a scheduled offence or the value of any such property [or where such property is taken or held outside the country, then the property equivalent in value held within the country [or abroad], the above stated money is not a result of criminal activity relating to scheduled offence. Therefore no offence is made under the PMLA against the petitioner. As per para 31 of ***(Vijay Madanlal Choudhary Vs. Union of India and others, 2022 SCC Online SC 929.)*** It has been stated that the "Proceeds of Crime being the core of the ingredients constituting the offence of money-laundering, that expression needs to be contrued strictly, further it has been stated that the property derived or obtained directly or indirectly by criminal activity relating to scheduled offence falls under the proceeds of crime, relying upon this in the instant case there is no material evidence on record that the seized money was obtained or derived through criminal activity, hence no allegation can be proved against the petitioner (Vipul Bansal). It is further alleged that (Rs. 15 lakhs was paid to Sanjeev Hans in the Bank Account of Devinder Singh Anand from the account of the petitioner's brother (Mukul Bansal). As per para 18 of the statement given by the petitioner under Section 50(2) & (3) of the PMLA Act, 2002. The above mentioned amount was given as a loan without interest. The transaction was not connected to any official favour and there was no *quid pro quo* involved. The funds were transferred to Mr. Devinder Singh Anand's bank account strictly on instruction of Sanjeev Hans who had shared "Mr. Anands" cheque photo over Whatsapp. The petitioner had never met or communicated with "Mr. Anand" and the amount was transferred to help him in his bad times, also the transactions were made through Tracable banking channels. As per the settled law "Bail is a rule jail is an exception" as held in ***State of Rajasthan Jaipur Vs. Balchand @ Baliay (1977) 4 SCC 308),*** Similarly Section 45 of the PMLA 2002, though restrict the right of the accused to grant of Bail, but it cannot be said that the conditions provided under Section 45 imposes absolute restraint on the grant of Bail. The same has been observed in ***(Para 131 of, Vijay Madanlal Choudhary Vs. Union of India and Ors., 2022 SCC Online SC 929).*** From all the above contentions, it can be concluded that no “prima facie” case is made out against the petitioner as the petitioner was not an associate of Sanjeev Hans as stated by the petitioner in para 4 of 12.2 (statement of the petitioner page 51, 52 of 191). The petitioner and Sanjeev Hans were known to each other as former batchmates from IIT Delhi. Their interaction was limited to that context and did not extend to any professional or ongoing association. In 2018-19, the petitioner in his personal capacity, facilitated a one-time introduction between Mr. Anubhav Agarwal [promoter of RNA Corp and Mr. Sanjeev Hans]. The petitioner’s role was limited. Considering the above instances, bail can be granted to the petitioner as relied upon the judgment of (***Vijay Madanlal Choudhary Vs. U.O.I. & Ors., 2022 SCC online SC 929).*** As per para 126 which deals with the twin condition (Section 45) of the PMLA Act, 2022, which are 1. There are reasonable grounds for believing that accused is not guilty of offence of money laundering. 2. That he is not likely to commit any offence while on bail. In the instant case, the petitioner was just a mediator and no evidence of taking or giving bribe has been found which would prove that there is genuine case against the petitioner. Further as stated in para 131 of (***Vijay Madanlal Choudhary Vs. U.O.I. & Ors., 2022 SCC online SC 929)*** relying on Nimmagad Prasad (Supra), the words used in Section 45 of the PMLA Act, 2002 are "reasonable grounds for believing" which means the court has to see only if there is a genuine case against the accused and the prosecution is not required to prove the charge beyond reasonable doubt. It is settled law that if a person has undergone long incarceration, i.e., longer than 7 (seven) months and there is no likelihood of the trial concluding, the stringent conditions of Section 45 ought not to be fulfilled for grant of bail. ***[V. Senthil Balaji v. Dy. Director, Directorate of Enforcement,*** 2024 SCC OnLine SC 2626, Para 21, 25, 27; ***Udhaw Singh v. Enforcement Directorate,*** 2025 SCC OnLine SC 357, Para 4-6; ***Anwar Dhebur v. Directorate of Enforcement,*** SLP (Crl.) No. 3592/2025, Order dated 19.05.2025 (Supreme Court); ***Jag Narayan Singh v. Union of India through Assistant Director, Directorate of Enforcement,*** Order dated 10.012025 in Crl. Misc. No. 31322/2024 (Patna HC); ***Pankaj Kumar Tiwari v. Enforcement Directorate,*** 2024 SCC OnLine Del 7387, Para 29-36]. The case is running on the appearance of the accused persons. 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 No. 93/Sessions, dated 15.07.2025 sent a report in which it has been 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 u/s 3 and punishable u/s 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., Spcial 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, 135 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 where of 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. The petitioner has clean antecedent as stated in paragraph no. 3 of the present bail application. The petitioner is in custody since 28.11.2024 in this case.

5. 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 has further submitted that during the course of investigation, it was revealed that the petitioner is known to Sanjeev Hans since his college days. He has assisted him in generation and layering and laundering of money from corrupt practices while his postings in Government of India as Private Secretary (PS) to the then Cabinet Minister of Consumer Affairs, Food and Public Distribution during the period 2014-19. The petitioner was working with a company, namely, RNA Corp, which is involved in the real estate section in Mumbai. Smt. Saranga Agarwal, the mother of Shri Anubhav Agarwal, was the promoter director of M/S. RNA Corp. Learned counsel for the opposite party has further submitted that during the course of the investigation, WhatsApp chats of Mr. Sanjeev

Hans and the petitioner were forensically extracted from the mobile phones of Shri Sanjeev Hans vide Panchanama dated 14.08.2024 and 16.08.2024 from which it revealed that the petitioner approached Mr. Sanjeev Hans to get favourable orders from the National Consumer Dispute Redressal Commission (hereinafter referred to as the 'NCDRC') in the case of builder buyer dispute of M/S. East and West Builders, the sister concern of M/S. RNA Corp and its promoters. It is pertinent to mention here that during the months from June, 2014 to July, 2019, Mr. Sanjeev Hans was working as a Private Secretary to the then Ministry of Consumer Affairs Food and Public Distribution. The said Ministry is the nodal ministry for the 'NCDRC'. Learned counsel for the opposite party has further submitted that the petitioner in his statement recorded under Section 17 of PMLA, 2002 on 17.09.2024 and under Section 50 of the PMLA, 2002 on 18.09.2024 and 19.09.2024 has stated to have arranged meetings between Mr. Sanjeev Hans and Mr. Anubhav Agarwal in which Mr. Anubhav Agarwal has agreed to pay the bribe of Rs. 1 Crore to Mr. Sanjeev Hans to get favourable orders from the 'NCDRC' in the cases concerning the buyer-builder dispute in respect to M/S. East and West Builders. The petitioner has further stated that Mr. Sanjeev Hans had managed to get adjournments on two separate dates from the 'NCDRC' Bench for M/S. East and West Builders for compliance of the Bench's order and also managed for the non-arrest of Mrs. Saranga Agarwal, the mother of Mr. Anubhav Agarwal, the promoter director of M/S. East and West Builders. Therefore, by managing two dates and non-arrest of Mrs. Saranga Agarwal, the total amount of nearly Rs. 1 Crore had been paid by Mr. Anubhav Agarwal (M/S. RNA Group) to Mr. Sanjeev Hans through the petitioner. It is also relevant to mention here that during the course of investigation, it was revealed that Smt. Saranga Agarwal was arrested by the 'NCDRC' but later on immediately after the arrest, she was released on furnishing the bail bond. The petitioner has further stated that the bribe amount of Rs. 1 Crore had been paid to Mr. Sanjeev Hans through Mr. Shadab Khan and Shri Pushpraj Bajaj, the associates of Mr. Sanjeev Hans who is presently in jail custody in various tranches. The petitioner has further stated that Mr. Sanjeev Hans had provided mobile number of Mr. Shadab Khan and Shri Pushpraj Bajaj to him for the transfer of the bribe amount. The petitioner in his statement dated 18.09.2024 and 19.09.2024 recorded under Section 50 of the PMLA, 2002 stated that Mr. Pushpraj Bajaj was a liaison who had contacts with senior banking officials, and Mr. Sanjeev Hans provided his contact number for payment and receipt of a bribe for managing the case of M/S. East and West Builders in NCDRC. He arranged the meeting of Mr. Pushpraj Bajaj in New Delhi and Mr. Sanjeev Hans was also present there and he only introduced him to Mr. Pushpraj Bajaj. He further stated that M/S. RNA Corp held several non-performing accounts (NPAs) with multiple banks, including an account with Bank of Baroda during the period of 2020-2021 and Mr. Sanjeev Hans introduced Mr. Pushpraj Bajaj to help M/S. RNA Corp in the said matter. To address this matter, a meeting was arranged between a senior official of Bank of Baroda and Mr. Anubhav Agarwal in Hotel Trident at Nariman Point, Mumbai, facilitated by Mr. Pushpraj Bajaj. For organizing this meeting, Mr. Anubhav Agarwal paid Rs. 3 lakhs to Mr. Pushpraj Bajaj. The facts can be corroborated from WhatsApp chats of M/S. Sanjeev Hans and Vipul Bansal (petitioner) and M/S. Sanjeev Hans and Pushpraj Bajaj which were forensically extracted from Mr. Sanjeev Hans's Mobile vide Panchanama dated 14.08.2024 and 16.08.2024. Learned counsel for the opposite party has further stated that from the digital data extracted from the mobile phones of Mr. Shadab Khan and Mr. Pushpraj Bajaj, it was revealed that various photographs of Indian Currency notes which are in direct link with the Hawala Operations. 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, Mr. Pushpraj Bajaj and Mr. Shadab Khan stated to having received/sent money via the hawala route. He further stated that out of Rs. 1 Crore, Rs. 15 lakhs have been paid to Shri Sanjeev Hans in the bank account no. 20157178962 of Mr. Devinder Singh Anand maintained with Bank of Maharashtra by the petitioner from the account of his brother Mr. Mukul Bansal which is corroborated by WhasApp Chats of M/S. Sanjeev Hans-Devinder Singh Anand and M/S. Sanjeev Hans-Vipul Bansal extracted from the mobile phones of Shri Sanjeev Hans vide Panchanama dated 14.08.2024 and 16.08.2024 wherein Mr. Sanjeev Hans asked Mr. Devinder Singh Anand to receive funds of Rs. 15 lakhs in his account. In response, Mr. Devinder Singh Anand shared a picture of a cheque of his bank account.

Simultaneously, Shri Sanjeev Hans asked the petitioner to transfer Rs. 15 lakhs in Mr. Devinder Singh Anand's bank account which will be evident from the credit of Rs. 15 lakhs in the bank account no. 20157178 of Mr. Devinder Singh Anand from the account of Mr. Mukul Bansal, the brother of the petitioner. It is further submitted that during the course of search operation under Section 17 of the PMLA. On 11.09.2024, cash amounting to Rs. 60,00,000/- was recovered and seized from the premises of the petitioner. On being asked about the source of the cash, the petitioner was unable to give satisfactory reply. Learned counsel for the opposite party has relied upon the judgement of the Hon'ble Supreme Court in the case of ***Radhika Agarwal Vs. Union of India, 2025 INSC 272*** and in the case of ***Motiram Padu Joshi Vs. State of Maharashtra, 2018 SCC OnLine SC 676*** wherein, the Hon'ble Supreme Court had observed that- *"FIR is not an encyclopedia which is expected to contain all the details of the prosecution case"*.

In ***Union of India through Assistant Director Vs. Kanahiya Prasad 2025 SCC OnLine SC 306*** in para 13. " It is further required to be noted that Section 65 of PMLA requires that the provisions of Cr.P.C. shall apply insofar as they are not inconsistent with the provisions of the PMLA and the Section 71 provides that the provisions of PMLA shall have overriding effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force. Hence, the conditions enumerated in Section 45 will have to be complied with even in respect of application for bail made under Section 439 of Cr.P.C. Further, Section 24 provides that in case of a person charged with the offence of money-laundering under Section 3, the Authority or Court shall, unless the contrary is proved, presume that such proceeds of crime are involved in money-laundering. Para 14. "The aforesaid position of law has been reiterated time and again in catena of judgments by this Court. To cite a few judgments are in case of ***Gautam Kundu v. Directorate of Enforcement, Rohit Tandon v. Directorate of Enforcement, Tarun Kumar v. Assistant Director, Directorate of Enforcement etc.***" Therefore, the burden to proof that proceeds of crime are not involved in money laundering would lie on the person charged with the offence.

6. 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 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 hold 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 10 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 135 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. Bearing in mind that the petitioner since grant of bail have not been involved in any similar or other offence, I prefer 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.

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. In the light of above discussions as well as considering the aforesaid facts and circumstances of the case, 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 Special Judge (PMLA)-cum-learned District and Sessions Judge, Patna Sadar, Civil Court, in connection with Special Case (PMLA) No. 10/2024 in relation to ECIR

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.

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(Chandra Prakash Singh, J)