IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64295 of 2025

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

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Uttam Kumar Daga @ Uttam Daga Son of Late Hari Ratan Daga Resident of CF 374 Salt Lake City ,Sector 1, P.S. Bidhannagar (M), Kolkata, District North 24 Parganas West Bengal.

... ... Petitioner

Versus

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

... ... Opposite Party

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Appearance :

For the Petitioner/s	:	Mr. Madhav Khurana, Sr. Advocate Mr.Harsh Singh, Advocate Mr.Samarth K.Luthra, Advocate Mr.Abhijeet, Advocate
For the Opposite Party/s	:	Mr.Dr. K.N.Singh (ASG) Mr.Zohaib Hossain, Special Counsel (ED) Mr.Tuhin Shankar, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA

ORAL ORDER

6 10-12-2025 Heard Mr. Madhav Khurana, learned senior counsel appearing on behalf of the petitioner and Mr. Zohaib Hossain, learned counsel for the Enforcement Directorate.

2. The petitioner seeks regular bail in connection with Special Trial (PMLA) Case No. 05 of 2025 arising out of Supplementary Prosecution Complaint in PMLA-SC No. 10 of 2024 (arising out of ECIR No. PTZO/04/2024 dated 14.03.2024 and Addendum ECIR dated 20.09.2024) instituted for the offence punishable under section 3 and 4 of the Prevention of Money Laundering Act, 2002 (hereinafter

referred to as "PMLA").

3. The petitioner has no previous criminal antecedent and is in custody since 25.01.2025.

4. The purported role/allegation against the petitioner are contained in Second Supplementary Prosecution Complaint (in short the 'Second SPC') dated 25.03.2025, which are as under:

> (i). It is alleged that the Petitioner herein (arrayed as Accused No. 18 in the 2nd SPC), through his entity, M/s. The Mining & Engineering Corporation (arrayed as Accused No. 16 in the 1st Supplementary PC) assisted in layering of purportedly illicit money received from one M/s. Prerna Smart Solutions Private Limited (an entity of the Accused No. 5, Pushpraj Bajaj).
> (ii). It is alleged that M/s. The Mining & Engineering Corporation purportedly received INR 11,00,00,000/- (Rupees Eleven Crore Only) from M/s. Prerna Smart Solutions Pvt Ltd for conducting surveys for smart meter installation.
> iii. It is further alleged that no agreement was signed, and no physical site surveys were actually conducted by M/s. The Mining & Engineering Corporation in this regard.
> (iv). Further, as per the case of the Opposite Party, part of the money so received was routed back to the family members of Accused No.5, Pushpraj Bajaj.

Brief case of the prosecution and its Chronology of Events, Defence version, in terms of petition:-

5. Claiming his innocence, it is submitted by petitioner that he has not committed any offence which would be evident from the chronology of events leading up to the Petitioner's arrest, as hereinbelow:

> **a.** On 09.01.2023, FIR No. 18/23 (hereinafter referred to as the "FIR 1") was registered u/Ss. 34/323/341/376/376(d)/420/313/120-B/504/506 IPC & S. 67 IT Act against Sanjeev Hans (IAS Bihar Cadre, 97 Batch), Gulab Yadav (Ex. MLA, RJD) & Ors. at PS. Rupaspur, Patna. It may be noted that the Petitioner herein was not named in the said FIR 1.
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> **b.** On 14.03.2024, ECIR No. PTZO/04/2024 (hereinafter referred to as the "ECIR") registered against Sanjeev Hans and his co-conspirators on basis of FIR 1. It may be noted that the Petitioner herein was not named in the said FIR 1.
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> **c.** After the registration of the ECIR, the Hon'ble Patna High Court vide Order dated 06.08.2024 in Cr. WJC. No. 310/2023 titled "Sanjeev Hans v. State of Bihar" was pleased to quash the FIR 1, thereby rendering the ECIR a nullity, i.e. with no legs (of a predicate case) to stand on.
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> **d.** On 14.09.2024, FIR No. 05/24 (hereinafter referred to as the "FIR 2") was registered u/Ss. 6, 318(4) BNS

and Ss. 7 r/w 12 r/w 13 (1)(a) r/w 13 (1) (b) r/w 13 (2) PC Act against Sanjeev Hans & Ors. alleging that Sanjeev Hans, while in public service, amassed huge assets, which was acquired with the aid of Gulab Yadav and Harloveleen Kaur. It may be noted that the Petitioner herein was not named in the said FIR 2. For the sake of brevity, Petitioner is not enclosing FIR 2 for the present but craves leave of this Hon'ble Court to produce a copy of the same at the time of hearing if required.

e. On 20.09.2024, the Opposite Party, in order to mala fidely (and against settled law) revive its investigation, registered an Addendum ECIR, bringing within its fold the FIR 2 after the FIR 1 stood quashed. It may be noted that firstly, registration of the 'Addendum ECIR' to circumvent the process of law and to keep its case alive despite the setting aside of FIR 1, shows the mala fide of the Opposite Party and is wholly illegal. Secondly, it is settled law that once an ECIR (as being akin to an FIR) is registered, the same cannot be amended/ improved. It may be further noted that the Petitioner herein was not named in the said Addendum ECIR either.

f. After the mala fide revival of its investigation by registering the Addendum ECIR, the Opposite Party conducted conducted Search and Seizure proceedings at Office of the Petitioner at P-32, Phase-I, Kasba Industrial Estate, Kolkata, and his residence at CF-374 Salt Lake City, Sec. 1, Kolkata on 3.12.2024, where nothing forthcoming was found. However, the Opposite Party in a mala fide attempt to harass the petitioner and his employees, arbitrarily froze several bank accounts of the employees of M/s. The Mining & Engineering Corporation and the cash credit account of M/s. Mining & Engineering Corporation.

g. On 16.12.2024, the Opposite Party filed its first Prosecution Complaint No. 01/2024 u/S. 44(1)(b), PMLA 2002 (hereinafter referred to as "PC") before the Hon'ble Special Court (PMLA), arraigning 8 persons/entities as accused. It may be noted that the Petitioner was not named in the PC.

h. Despite the above, the Petitioner, who was willing to assist in the investigation duly entered appearance before the Opposite Party on 30.12.2024 and 06.01.2025 upon receipt of Summons, when his statements under Section 50 PMLA were recorded.

i. Thereafter, the Opposite Party filed its first Supplementary PC (hereinafter referred to as "SPC 1") dated 09.01.2025 before the Hon'ble Special Court (PMLA) arraigning 8 persons/ entities as accused. It may be noted that the Petitoiner was not named in the SPC 1, however, M/s. The Mining and Engineering Corporation (an entity owned by the Petitioner) was arraigned as Accused No. 16 therein. The sum and substance of the allegation against M/s The Mining and Engineering Corporation was that it purportedly received INR 12,72,00,000/- (Rupees Twelve Crore Seventy Two Lacs Only) from one M/s. Prerna Smart Solutions

Pvt Ltd (an entity of accused Pushpraj Bajaj) for conducting surveys for smart meters. However, no agreement was signed, and no physical site surveys were conducted. Further, as per the case of the Opposite Party, part of the money so received (i.e. INR 1,85,00,000/-) was routed back to the family members of accused Pushpraj Bajaj.

j. On 25.01.2025, at the time of the commencement of the Search and Seizure proceedings at the Petitioner's residence at CF-374 Salt Lake City, Sec.1, Kolkata, he was not present at his residence. However, being confident of his innocence and to ensure complete cooperation with the Opposite Party, the Petitioner duly returned back home immediately to participate and advance all necessary cooperation. Not only that, but even the Panchnama dated 25.01.2025 drawn thereto clearly evidences that no incriminating documents or materials whatsoever were found at the residence of the Petitioner. Despite that, during the course of these Search and Seizure proceedings the petitioner was shown to be arrested by the Opposite Party and was taken to Patna on IndiGo Flight 6E-895 at 17:40 Hrs. (without a transit remand order) where he was produced before the Ld. Chief Judicial Magistrate, Patna around 21:00 Hrs., who was pleased to remand him to judicial custody. It may be noted that the Opposite party maliciously orchestrated the illegal arrest and subsequent remand of the Petitioner in a manner so as to deprive the Petitioner of his fundamental rights which is clear from the following:

i. Flight tickets of the Petitioner from Kolkata to Patna came to be booked by the Opposite Party at about 8:30 am.

ii. Petitioner was formally arrested at 3:30 pm, despite him being illegally detained at about 7:55 am.

iii. Thereafter, the Petitioner was made to board the flight in Opposite Party's custody at about 5:40 pm, which landed in Patna at about 7 pm.

iv. Pursuant thereto, the Petitioner's medical assessment was conducted, and he was produced before the magistrate at about 9 pm, who vide a completely un-reasoned order being *ultra-vires* Section 19, PMLA remanded the Petitioner to judicial custody where he continues to remain.

v. Further, even the remand order dated 25.01.2025 passed by the Ld. Chief Judicial Magistrate, Patna utterly fails to record the satisfaction of the compliance by the Opposite Party with the mandatory requirements of Section 19 of the PMLA, 2002. From a bare perusal of the said order dated 25.01.2025 it is evident that the arrest did not meet the conditions set out in Section 19(1) of the PMLA and was patently illegal.

6. It appears out of submission that on 27.01.2025, while the petitioner was in judicial custody, he

preferred Cr.WJ.C. No. 196/2025 before this Hon'ble Court, seeking declaration of his arrest and subsequent remand as illegal on the ground of (i) there being no transit remand order; (ii) insufficient grounds of arrest, and (iii) no reason to believe to effect his arrest, wherein vide order dated 07.02.2025, this Hon'ble Court was pleased to restrain the opposite party from taking custody of the petitioner herein till pending adjudication of the said Cr.WJC No. 196/2025.

7. It is alleged that On 25.03.2025, i.e., the 60th (sixtieth) day from arrest, the Opposite Party filed its second Supplementary PC (hereinafter referred to as "SPC 2") before the Ld. Special Court against inter alia the Petitioner (was arraigned as Accused No. 18 therein). The crux of the allegation against the petitioner is that he purportedly used his entity, M/s. The Mining and Engineering Corporation as a vessel to receive INR 12,72,00,000/- (Rupees Twelve Crore Seventy Two Lacs Only) from one M/s. Prerna Smart Solutions Pvt Ltd (an entity of accused Pushpraj Bajaj) for conducting surveys. However, no agreement was signed, and no physical site surveys were conducted. Further, as per the

case of the Opposite Party, part of the money so received (i.e. INR 1,85,00,000/-) was routed back to the family members of accused Pushpraj Bajaj.

8. It is further alleged that after the filing of the SPC 2, this Hon'ble Court was pleased to dismiss the aforesaid Cr. WJC No. 196/2025 vide Judgment dated 08.04.2025. After the dismissal of the aforesaid Cr. WJC No. 196/2025, the Opposite Party preferred an Application under Section 187 BNSS, 2023 seeking custody of the Applicant, which was allowed vide Order dated 05.05.2025. However, while the aforesaid Application seeking custody of the Petitioner was pending before the Ld. Special Court, the Petitioner preferred an Application u/s. 187(3)(ii), BNSS (hereinafter referred to as "Default Bail") before the Ld. Special Court, seeking default bail on grounds that the investigation qua the Petitioner was, admittedly, incomplete and as such, no valid Prosecution Complaint was filed as against the Petitioner within the 60 (sixty) days period as stipulated u/S. 187(3)(ii), BNSS.

9. Thereafter on 10.07.2025, the Opposite Party

filed another Supplementary Prosecution Complaint bearing no. PMLA-SC-No.10 of 2024 ("SPC 3") before the Ld. Special Court. At present, the case is at the stage of appearance of Accused persons (i.e. total 35 in number).

10. It is pointed out that upon conclusion of ED's custody and being remitted back to judicial custody on 09.05.2025, the petitioner had preferred a regular bail application before the learned Special Court (PMLA), Patna, under section 483 of the B.N.S.S.2023, read with 45 of the PMLA, which came to be dismissed vide order dated 05.08.2025. Being aggrieved of which, the present bail petition was preferred.

Submission on behalf of the petitioner

11. Mr. Madhav Khurana, learned senior counsel appearing on behalf of the petitioner submitted that as per the Report dated 15.07.2025 furnished to this Hon'ble Court by the Ld. Special Judge, PMLA, Patna in Cr. Misc. No. 22886/2025, titled **"Pushpraj Bajaj v Union of India",** there is no likelihood of concluding the trial in the present case in the near future. The case is at the stage of appearance

of accused persons. Furthermore, even the trial of the predicate case, i.e. FIR 2 (which is the *sine qua non* for the conclusion of the PMLA case) is not likely to commence any time soon as till date, the record of the case has not even been received by the L.d. Special Judge, PMLA. Patna. In this context, Mr. Khurana relied upon the legal report of Hon'ble Supreme Court as available through **V. Senthil Balaji v. Dy. Director, Directorate of Enforcement,** reported in **2024 SCC OnLine SC 2626**, where in **para 21,** the Hon'ble Court has held which reads as under:

> "**21.** Hence, the existence of a scheduled offence is *sine qua non* for alleging the existence of proceeds of crime. A property derived or obtained, directly or indirectly, by a person as a result of the criminal activity relating to a scheduled offence constitutes proceeds of crime. The existence of proceeds of crime at the time of the trial of the offence under Section 3 of PMLA can be proved only if the scheduled offence is established in the prosecution of the scheduled offence. Therefore, even if the trial of the case under the PMLA proceeds, it cannot be finally decided unless the trial of scheduled offences concludes. In the facts of the case, there is no possibility of the trial of the scheduled offences commencing in the near future. Therefore, we see no possibility of both trials concluding within a few years."

12. Explaining further reason in support of submission that trial is not likely to conclude in near future, Mr. Khurana submitted that the order dated 08.01.2025,

taking cognizance of the present case has been set-aside by this Hon'ble Court as being in contravention of Section 223 of the B.N.S.S.2023 and the matter is now listed for pre-cognizance hearing/appearance of accused. The aforesaid order was passed in the matter of **Pushpraj Bajaj v. The Union of India (Crl. Revision No. 685/2025 dated 11.11.2025)**.

13. Explaining further reason for not conclusion of trial in near future, Mr. Khurana submitted that the prosecution complaint has **60 witnesses and 98 documents** running into **18,348 pages**. The 1st Supplementary Prosecution Complaint has **56 witnesses and 21 documents** running into **3,368 pages**. The 2nd Supplementary Prosecution Complaint has **17 witnesses and 23 documents** running into **7,992 pages.** The 3rd Supplementary Prosecution Complaint has **2 witnesses and 5 documents** running into **399 pages** as such, **there are total of 135 witnesses and 148 documents running into 26,739 pages** which are required to visit during the trial, making the journey of trial impossible to arrive at its

conclusion in near future with available prosecution materials particularly when stage of the case is at pre-cognizance stage.

14. In the backdrop of the aforesaid, it is submitted by Mr. Khurana that though PMLA imposes stringent condition for grant of bail under section 45, but it is settled position now that the said stringent condition as available under section 45 of the PMLA does not act as a complete embargo on grant of bail for the reason that twin condition as available thereto have to be balanced with a person's fundamental right as available under Article 21 of the Constitution of India. In support of his submission, Mr. Khurana relied upon the legal report of Hon'ble Supreme Court as available through **Manish Sisodia v. Directorate of Enforcement** reported in **2024 SCC Online 1920,** where attention of this Court was drawn towards para **39, 43, 49-50, 53-54.**

15. Explaining further, it is submitted by Mr. Khurana that it is now settled law through various judgments of Hon'ble Supreme Court that if a person has undergone long incarceration i.e. longer than 7 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. In support of his submission learned counsel relied upon **V. Senthil Balaji v. Dy. Director, Directorate of Enforcement, 2024 [SCC OnLine SC 2626]; Udhaw Singh v. Enforcement Directorate, [2025 SCC OnLine SC 357]; Anwar Dhebur v. Directorate of Enforcement, [SLP (Crl) No. 3592/2025 Order dated 19.05.2025] (SC);**

16. It is pointed out that considering all such aspects, the other co-accused persons have been granted bail by this Court as in the matter of Vipul Bansal v. The Union of India, (Cr. Misc/26793/2025); Suresh Kumar Singla v. The Union of India (Cr. Misc/32054/2025); Varun Singla v. The Union of India (Cr. Misc 32350/2025); Gulab Yadav v. The Union of India (Cr. Misc/30102/2025); Praveen Chaudhary v. The Union of India (Cr. Misc/28571/2025); Sanjeev Hans v. The Union of India (Cr. Misc/22880/2025); Pushpraj Bajaj The Union of India (Cr. Misc/ 22886/2025); and Shadad Khan v. The Union of India (Cr. Misc/16995/2025). It is pointed out that main co-accused namely, Sanjeev Hans was granted bail in Cr. Misc. No. 22880/2025 dated 16.10.2025

by a learned coordinate Bench of this Court.

17. It is further submitted that it is the admitted position as one Sri Jitender Agarwal, who is the proprietor of M/s Genus Group is the ultimate beneficiary of the present case, for whose benefit the alleged offence was committed as it transpires from page 8, Para 14; 13, Para 19 of ED's Reply. However, the ED has not arrested Sh. Jitender Agarwal, who has instead been chargesheeted without arrest. Accordingly, the present case is one of a pick and choose approach in effecting arrests. Thus, the Petitioner, whose alleged role is on lessor footing than that of Jitender Agarwal is entitled for bail on this ground alone. In support of his submission, Mr. Khurana relied upon the legal report of Hon'ble Supreme Court as available through **Himansh @ Himanshu Verma v. Directorate of Enforcement** as reported through **2024 SCC OnLine SC 4697.**

18. Arguing further, Mr. Khurana submitted that no offence is made out against this petitioner on the basis of allegation as available through SPC-2 for the reason that the petitioner through his entity M/s Mining & Engineering

Corporation (Accused No. 16 in SPC 1) assisted in layering of purportedly illicit money received from one M/s. Prerna Smart Solutions Private Limited (an entity of Accused No. 5. Pushpraj Bajaj) and received INR 11.00,00,000/- from M/s. Prerna Smart Solutions Pvt Ltd. for conducting surveys.

19. In this connection, it is submitted that no agreement was signed and no physical site surveys were actually conducted. It is said that part of money so received i.e. INR 1,85,00,000/- was routed back to the family members of Accused No. 5 i.e. Pushpraj Bajaj.

20. It is pointed out that petitioner in his statement recorded under section 50 of the PMLA, clearly stated that the aforesaid amount was paid towards work done by M/s. Mining & Engineering Corporation, including but not limited to preparation of a report running into almost 50,000 pages. While there was no formal contract (in view of the familiar relationship between the petitioner and the promoters of M/s. Prerna Smart Solutions Pvt. Ltd.), as is clearly brought out in the SPC 2, there were formal work orders that had been issued in this regard.

21. It is submitted that money to the tune of INR 1,85,00,000/- was paid to the promoters of M/s. Prerna Smart Solutions Pvt. Ltd. as repayment of loans taken earlier in time. Further, the same stand corroborated in the books of account of the Petitioner and, therefore, no offence under the PMLA Act is made out against the petitioner and his company.

22. Travelling further on his argument, Mr. Khurana, submitted that even assuming, the funds transferred to the petitioner were **"proceeds of crime"** u/S. 2(1)(u) PMLA. there is no whisper in the SPC 2 as regards the Petitioner knowledge of the same as to fix his criminal liability u/s. 3 PMLA because same requires establishment of *mens rea*/knowledge as regards to the nature of funds, which can only be established, if there is credible evidence suggesting that petitioner "knowingly" engaged in the concealment, possession, acquisition, or use of proceeds of crime, or assisted in the process or activity connected with such proceeds. In support of this submission, Mr. Khurana relied upon the legal report of Hon'ble Supreme Court as available through **Vijay Madanlal Choudhary, 2022 SCC OnLine**

SC 929. (reference was specially drawn towards Para 250-253. 281-282, 400).

23. In this connection, it is also submitted that petitioner cooperated throughout investigation and shall not withheld any investigation. The **"Ground of Arrest"** reveals that the arrest of the petitioner was stated to be necessary as to unearth crucial information despite deviating from the legislative intention that **"withholding of information"** not being a ground that has been specified under S. 19 of the PMLA Act as **"ground of arrest"**.

24. Raising a question qua arrest of petitioner, it is submitted by Mr. Khurana that there was no necessity for arresting the petitioner as he had been duly cooperating and assisting the ED for the purpose of interrogation and investigation to the best of his ability and capacity as he appeared before the ED as and when he was called for, and so, he appeared before the ED on 30.12.2024 and 06.01.2025. In support of his submission, Mr. Khurana relied upon legal report of **Arbind Kejriwal** case, Cr. Appeal No. 2493/2024 decided on 12.07.2024 by the Hon'ble Supreme

Court.

25. In this context, it is further submitted by Mr. Khurana, that ED's case against the petitioner is based on the statements recorded u/s. 50 PMLA. The law on usage of Section 50 PMLA statements has somewhat evolved in decisions of various Courts [as: **Sanjay Jain v. ED, Bail Application No. 3807/2022 (Del HC); Prem Prakash v. UOI, SLP (Crl.) No. 5416/2024**]. These statements, though not too relevant at the stage of consideration of bail, are ultimately evaluated on the touchstone of old law as settled by Hon'ble Supreme Court in the case of **Haricharan Kurmi v. State of Bihar, 1964 SCC OnLine SC 121,** that the statement of a co-accused and when it is the accused's statement u/s. 50 PMLA itself under custody, the same is hit by the bar of Section 25 of the Indian Evidence Act, 1872 as a statement made to a police officer.

26. In this context, it is submitted that mere gravity of the offence is no ground to deny bail even if the allegation is of a grave economic offence. Reliance was made on **Sunder Singh Bhati v. State** reported in **2022 SCC**

OnLine Del 134, [*Para 18-19*].

27. Arguing further, it is submitted by Mr. Khurana that petitioner satisfies the triple test also for grant of bail as there is no likelihood of the petitioner influencing witnesses. Investigation qua the Petitioner is already complete and the SPC 2 already stands filed. It is not the case of the ED that the Petitioner has ever attempted to or has influenced any witness during the course of investigation and moreover, list of Witnesses covering the officers of the ED, the bank officers and other co-accused persons. Secondly, there is no apprehension of tampering with evidence as all the evidence is documentary in nature and already in the possession of the ED and thirdly, the petitioner is not a flight risk as he permanently residing in Kolkata with his family, who are dependent upon the Petitioner.

28. Summing up all such legal and factual submission, it is submitted by Mr. Khurana that basically no case under PMLA Act, 2002 is made out against the petitioner and furthermore, as this case is at pre-cognizance stage, examination of such huge number of witnesses and

documents as submitted aforesaid are sufficient to suggest that the trial of this case is not likely to conclude in near future which is in violation of fundamental right of petitioner qua speedy trial as available under Article 21 of the Constitution of India and considering the same, petitioner deserves bail.

Submission on behalf of the ED

29. Mr, Zohaib Hossain, learned counsel, while opposing the prayer of bail of the petitioner appearing through Virtual Mode, submitted that during investigation, an analysis of the bank account no.50200065188820 of M/s Prerna Smart Solution Pvt. Ltd. maintained with HDFC Bank revealed that it received a payment of Rs. 29 Crores during financial year 2023-24 from entities linked to Mr. Pawan Dhoot. When Mr. Pushpraj Bajaj was questioned about the reason for such a substantial payment during his statement under Section 50 of the Prevention of Money Laundering Act (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 was further subcontracted to M/s Prerna Smart Solutions (an entity owned by Pushpraj Bajaj). Subsequently, M/s Prerna Smart Solutions subcontracted the work to Kolkata-based Mining and Engineering Corporation, owned by Mr. Uttam Daga (petititoner), who is the brother-in-law of Pushpraj Bajaj. Analysis of the aforesaid bank account of M/s Prerna Smart Solutions Pvt Ltd revealed that during the period from December 2023 to June 2024, an amount of Rs. 12.74 Crores have been transferred to the account no. 00148470000047 of M/s Mining and Engineering Corporation maintained with HDFC Bank, an entity controlled by Uttam Kumar Daga (petitioner).

30. In this context, it is submitted by Mr. Hossain that Mahadeo Prashad Bajaj, (brother of Pushpraj Bajaj) who is Director with Sunita Bajaj (wife of Pushpraj Bajaj) 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 director in the company for namesake and all business affairs are controlled by his brother

Pushpraj Bajaj. He also failed to provide any such details and documents to prove any survey carried out by M/s Prerna Smart Solutions.

31. In this context, it is further submitted that one Jitendra Kumar Agarwal, Joint Managing Director of M/s Genus Power Infrastructure Limited in his statement dated 03.12.2024 and 09.12.2024 recorded u/s 17 & 50 of 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 to provide supporting correspondences (both physical and digital) wherein he failed to provide any. Further, when he was inquired regarding the role of Shri Pawan Dhoot and his company in surveying work for installations of smart meters across Bihar. He stated that his company had never given the role of surveying (pre bid and post bid) for installations of Smart meters in Bihar including both the DISCOMS Le. South Bihar and North Bihar, rather he had only provided consultancy and liaisoning for their projects.

32. It is further pointed out that mostly their

surveys had been done through their sub-contractors and pre bid contract surveys had been done through his own company’s team. It is submitted that Sri Jitendra Kumar Agarwal further reveals that the officials of M/s Genus Power Infrastructure Limited had not been assigned the tasks of liaisoning and following up with the officials of DISCOMS, and instead, these responsibilities were delegated to M/s Dhoot Infrastructure Projects Limited as sometime external entities like M/s Dhoot Infrastructure Projects Limited are more useful due to their network in power sector and industry expertise.

33. It is also submitted by Mr. Hossain that petitioner in his statement recorded u/s 50 of PMLA, dated 14.12.2024 disclosed that Pushpraj Bajaj is his distant relative and had approached him that there was an opportunity in power sector of Bihar and informed him about his close association with Sanjeev Hans, who was Holding the charge of CMD of BSPHCL and secretary of Water Resources Department, Bihar. Further, for confirming his association with Sanjeev Hans, Pushpraj Bajaj had sent him a photograph of himself with Sanjeev Hans. He further revealed that he

through his company M/s Dhoot Infrastructure Projects Limited entered the alleged liaisoning agreement with M/s Genus Power Infrastructure Limited and further sub-contracted it to the entity of Pushpraj Bajaj's namely M/s Prerna Smart Solution Private Limited relying upon Pushpraj Bajaj's closeness with Sanjeev Hans, the then CMD, M/s BSPHCL.

34. Mr. Hossain further submitted that the bank accounts of M/s Dhoot Infrastructure Limited revealed that a total of Rs. 81.18 crores were credited to its two bank accounts. Specifically, Rs. 54.69 crores were received in bank account number 921020005999471, and Rs. 26.49 Crores were received in bank account number 910020005395031. These amounts were transferred by M/s Genus Power Infrastructure Limited under the pretext of payment for liaisoning services.

35. It is submitted by Mr. Hossain that investigation revealed that substantial part of the funds so received from M/s Genus Power Infrastructure Limited by M/s Dhoot Infrastructure Projects Limited were further transferred to the

accounts of M/s Prerna Smart Solution Private Limited (a family-owned entity of Pushpraj Bajaj) and this company received a fund of Rs. 29 Cr approx. from Dhoot Group entities.

36. It is also submitted by Mr. Hossain that as far alleged liasoning work qua Pawan Kumar Dhoot is concerned, it was stated by him that he has gathered inside information from the energy department through Pushpraj Bajaj and passed on the same to Jitender Agarwal of Jenus Group which helped them in tendering process and later execution of the same, which is not for within his area of expertize or professional experience as claimed by him but rather relied on his network of liner such as Pushpraj Bajaj who in exchange for illicit gratification obtained inside information from govt. department. Such information is intended to be exploided for business advantage, however, this practice undermines the principle of fair competition that is essential to a transparent and equitable tendering process.

37. It is submitted that on 08.04.2025, this Hon'ble Court was pleased to dismiss the Writ Application of

the Applicant. In such circumstances, wherein the Complainant Department has already submitted that the further investigation in respect of this case is going on and it shall file a supplementary Prosecution Complaint if required, it cannot be said that the investigation under PMLA is complete in totality. There are two very basic legal questions that arise in this respect-

A. Whether or not, the Investigating Agency continue investigation after filing chargesheet?

B. When an Investigating Agency has filed a chargesheet (Prosecution Complaint in our case, can an application under Section 187 (3) (ii) be entertained?

38. In aforesaid context, it is submitted by Mr. Hossain that very recently, the Hon'ble Supreme Court in the case of **State Through Central Bureau of Investigation V. Hemendhra Reddy & Another. Etc. [2023] 7 S.C.R. 134** held that

> *"The final conclusion can be summarized as: (1) Even after the final report is laid before the it is permissible for the investigating agency to carry out further investigation in the case. In other words, there is no bar against conducting*

further investigation under Section 173(8) of the CrPC after the final report submitted under Section 173(2) of the CrPC has been accepted. (ii) Prior to carrying out further investigation under Section 173(8) of the CrPC it is not necessary that the order accepting the final report should be reviewed, recalled or quashed; (iv) Further investigation is merely a continuation of the earlier investigation, hence it cannot be said that the accused are being subjected to investigation twice over. Moreover, investigation cannot be put at par with prosecution and punishment so as to fall within the ambit of Clause (2) of Article 20 of the Constitution. The principle of double jeopardy would, therefore, not be applicable to further investigation, (v) There is nothing in the CrPC to suggest that the court is obliged to hear the accused while considering an application for further investigation under Section 173(8) of the CrPC."

39. It is further submitted that the Directorate of Enforcement, Patna Zone was not sitting idle all this while and it has preceded with the filing of Supplementary Prosecution Complaint though the Applicant has tried his best to avoid investigation by filing frivolous petition before the Hon'ble Patna High Court which was ultimately dismissed devoid any merits. It is submitted that once a remand order has been

passed by a competent court, the arrest of the accused cannot be termed illegal. The judicial discretion exercised by the court in passing the remand order results in lawful detention. Therefore, any allegation questioning the legality of the arrest is untenable in the face of judicial scrutiny already undertaken.

40. Mr. Hossain submitted that under Section 19 of the Prevention of Money Laundering Act, 2002 (PMLA), the Directorate is empowered to arrest any person if it has reason to believe, on the basis of material in its possession, that such person is guilty of an offence under the said Act. The cooperation shown by an accused, though relevant, does not override this statutory power or confer immunity from arrest.

41. In the aforesaid context, Mr. Hossain, learned Special counsel appearing on behalf of the Enforcement Directorate (ED), submitted that the investigation revealed that main accused Sanjeev Hans has earned illicit money by indulging in corrupt practices while holding various prime postings in Bihar Govt. and his associates have been acting as “broker/ middle man” for Sanjeev Hans and assisted him in

earning and accommodating the illegal money from corrupt practices. In this context, it is submitted that co-accused Pushpraj Bajaj is a close associate of Sanjeev Hans, who acted middleman broker in facilitating deals between Sanjeev Hans and other private parties, which resulted in generation of proceeds of crime. He has also family connection with Pawan Dhoot and Uttam Daga (the petitioner). It appears that the petitioner and other accused persons 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 approximately.

42. During search of residential premises of Pushpraj Bajaj at Kolkata on 11.09.2024, cash of Rs. 27 lacs, gold jewellery worth of Rs. 1.60 crores, silver bullion worth Rs. 11 lacs were found and seized. It is submitted that the co-accused Jiterndra Kumar 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 specific details of services provided by M/s Dhoot

Infrastructure Projects Limited, wherein he failed to provide any such details. Upon enquiry, it was told by him that Pawan Dhoot (petitioner) and his company was engaged for surveying work for installations of smart meters across Bihar. It was disclosed that his company had never given the role of surveying (pre bid and post bid) for installations of smart meters in Bihar including both the DISCOMS i.e. South Bihar and North Bihar. He had only provided consultancy and Liasoning for their projects.

43. It is pointed out by Mr. Hossain that on analysis of the bank accounts of M/s Dhoot Infrastructure Limited, total of Rs. 81.18 crores were found credited to its two bank accounts. Specifically, Rs. 54.69 crores were received in bank account no. 921020005999471 and Rs. 26.49 crores were received in bank account no. 910020005395031. These amounts were transferred by M/s Genus Power Infrastructure Limited under the pretext of payment of liaisoning services. It is pointed out that investigation further revealed that substantial part of the funds so received from M/s Genus Power Infrastructure

Limited by M/s Dhoot Infrastructure Limited were further transferred to the account of M/s Prerna Smart Solution Private Limited.

44. In view of aforesaid, it can be safely said that this is not a case which is completely based upon the statement of co-accused as recorded under Section 50 of PMLA Act, rather the case against petitioner is based upon several bank transactions, whatsapp chats, phone call log etc. It is submitted that the electronic evidences are clinching and cogent. Mr. Hossain further submitted that bribe giver has no lesser role than bribe giver.

45. Mr. Hussain relied upon the legal report of ***Arvind Dham*** as passed by Hon'ble High Court of Delhi at New Delhi in **Bail Application 544/2025 and Crlm. (Bail) No. 262/2025 dated 19.08.2025**, particularly on **para-17, 49, 50, 54 and 57.**

46. Mr. Hossain further referred his argument as he advanced in Bail Application No. 4825/2024 before Delhi High Court in the matter of ***Anil Kumar Aggarwal Vs. Directorate of Enforcement,*** raising all issues *qua* custody

period and delayed trial and he referred **paras-19 and 20** of the aforesaid order.

47. Considering the aforesaid factual aspects and by taking note of materials available on record, this Court is not in position to say that the twin conditions as available under Section 45 of PML Act, 2002 which must to be satisfied prior to granting bail to the accused/petitioner appears satisfied in present case, as allegation appears founded *prima facie* not only on the basis of statement recorded under Section 50 of PMLA Act, rather same also appears supported *prima facie* by whatsapp chats, bank transactions, call log details etc.

But,

As petitioner remains in custody since 25.01.2025 i.e. about eleven months, where **135 prosecution witnesses** who would be examined orally and **148 documents running into 26739 pages**, which the prosecution seeks to rely upon, further there are total number of **35 accused persons** to cross-examine the witnesses, where presently prosecution is at pre-cognizance stage, which suggest primarily that the trial of this case is not likely to conclude in near future particularly when matter is at pre-cognizance stage, which amounts to violation of fundamental right of petitioner *qua* speedy trial as available under article 21 of the Constitution of India, coupled with the fact that main co-accused, namely, Sanjeev Hans has already granted bail by a learned co-ordinate Bench of this Court through Cr. Misc. No. 22880 of 2025 dated 16.10.2025, accordingly, above-named petitioner is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned District and Sessions Judge-cum-Special Judge, (PMLA), Patna, in connection with Special Trial (PMLA) Case No. 05 of 2025 arising out of Supplementary Prosecution Complaint in PMLA-SC- No. 10 of 2024 (arising out of ECIR No. PTZO/04/2024 dated 14.03.2024 and Addendum ECIR dated 20.09.2024), subject to the condition as laid down under Section 437(3) Cr.P.C/Section 480(3) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”), with further conditions that:-

(i) The petitioner shall not made any deliberate attempt to delay the trial and, if any, such attempt be made on his part, the department of enforcement shall be at liberty to press for cancellation of bail bond of the petitioner before the learned trial court itself, which shall be decided by the learned trial court itself, after giving an opportunity of hearing to the petitioner.

(ii) Considering the nature of accusation and its social and economical impact, the learned trial court is directed to conclude the trial expeditiously in accordance with law.

(Chandra Shekhar Jha, J)

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