IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 70043 of 2025

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

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Pawan Dhoot @ Pawan Kumar Dhoot S/o- Late Kedar Nath Dhoot R/o- CF-388, Sect. -1, Salt Lake City, Opposite Purto Bhawan, Bidhan Nagar, Po- Sech Bhawan Ps- Bidhan Nagar North, Dist- North 24 Parganas (West Bengal) and also R/o- C-15, Dhoot Farms, Ansal Villa, Satbari, P.S.- Mehrauli Dist- South Delhi, Delhi. ... ... Petitioner/s

Versus

The Union of India through the Assistant Director, Directorate of Enforcement, Patna Zonal Office, Bank Road, Chandpura Palace, West Gandhi Maidan, P.S. Gandhi Maidan, District-Patna (Bihar). ….

Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Indrajit Sinha, Advocate
		Mr. Anurag Saurav, Advocate
		Mr. Abhishek Kumar, Advocate
		Mr. Ankesh Bibhu, Advocate
		Ms. Sharda Raje Singh, Advocate
		Mr.Sharda Raje Singh, Advocate
		Ms. Monalisa Singh, Advocate
For the Opposite Party/s	:	Mr. Zohaib Hussain, Advocate(Spl. Counsel, ED)
		Mr. Prabhat Kumar Singh, Retainer Counsel, ED
		Mr. Pranjal Tripathi, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA

ORAL ORDER

6 10-12-2025 Heard learned counsel appearing on behalf of the parties.

2. The present application has been filed for grant of regular bail in connection with PMLA-SC- No. 10 of 2024 arsing out of ECIR/PTZO/04/2024 dated 14.03.2024 and addendum ECIR dated 20.09.2024 for the alleged offences under Sections 3 and 4 of the Prevention of Money

Laundering Act, 2002.

3. Petitioner remains in judicial custody since 27.01.2025.

4. The factual background of the prosecution case

(i) The brief summary of the case is that an investigation under the PMLA was initiated after recording an ECIR/PTZO/04/2024 dated 14.03.2024 against Sanjeev Hans and others. Directorate of Enforcement initiated investigation upon instituting ECIR No. PTZO/04/2024 dated 14.03.2024, on the basis of Rupaspur P.S. Case No. 18/2023 dated 09.01.2023 for offences under Sections 323, 341, 376, 376D, 420, 313, 120B, 504, 506 read with 34 of IPC, against accused Sanjeev Hans (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. During the course of investigation of the said ECIR, the Respondent/opposite party came across information disclosing offences, as such, in the 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 offences under Section 61, 318(4) of Bharatiya Nyaya Sanhita, 2023 ('BNS') and Section 7 read with 12, read with 13(1)(a), read with 13(1)(b), read with 13(2) of the Prevention of Corruption Act, 1988 ('PC Act'), against 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. It is pertinent to mention that there is no allegation in respect of Petitioner or any finding recorded in said information shared under Section 66(2) of PMLA, 2002 which is basis of addendum ECIR.

(ii) On 03.12.2024, searches u/s 17 PMLA were conducted by the Respondent at the premises of M/s Dhoot Infrastructure Projects Limited as well as on the premises of the Petitioner and a statement of the Petitioner under Section 17 was recorded on the same day.

(iii) The Petitioner was summoned by the Respondent to join the investigation, and in compliance with the summons, the Petitioner duly appeared on 14.12.2024, and his statement under Section 50 of PMLA was recorded by the Respondent. Pertinently, no further summons were issued to the Petitioner, or further queries made from the Petitioner.

(iv) On 16.12.2024, the first Prosecution Complaint [PC] was filed under Section 45 of the Prevention of Money Laundering Act, 2002 wherein M/s Dhoot Infrastructure Projects Limited was arraigned as Accused No. 8 through its authorized representative However, just two (2) days before filing of the PC, the Petitioner, who is the director of M/s Dhoot Infrastructure Projects Limited was summoned by the Respondent under Section 50 PMLA, 2002, and he joined the investigation on 14.12.2024, and ED recorded his statement. However, no other employee, authorized person or any other director was summoned by the Respondent during the investigation at any point in time. Only the Petitioner was summoned, and thereafter, the Company was arrayed as Accused No. 8.

(v) In the said Prosecution Complaint dated 09.01.2025, the Petitioner's statement was relied upon by the Respondent. Subsequently, Petitioner also came to learn that the Enforcement Directorate filed the First Supplementary Prosecution Complaint **['1st SPC]** in connection with the ECIR.

(vi) A search was conducted at the residential premises of the Petitioner on 25.01.2025 by the Respondent and the Petitioner was illegally arrested on 25.01.2025, in complete disregard of the procedure established by law and without compliance with the provisions of PMLA, 2002.

(vii) Petitioner was not named in any of the two predicate offence / FIRs based on which the Respondent launched its purported extensive investigation, search/seizure, culminating in the arbitrary arrest of the Petitioner.

(viii) Subsequently, after the arrest of the Petitioner on 25.03.2025, the Petitioner filed the Second SPC ('2nd SPC') in which the Petitioner was arraigned as Accused No. 17. It is submitted that the allegations levelled against the

Petitioner in the prosecution complaint do not in any manner attract the provisions of PMLA and are baseless.

ROLE AS PER SECOND SUPPLEMENTARY PROSECUTION COMPLAINT DATED 25.03.2025

i. Pawan Kumar Dhoot is the director of M/s Dhoot Infrastructure Projects Limited. It is a business entity incorporated on 13.06.2005 at ROC, Kolkata. The company has its registered address at 904/907, Time Tower, M.G. Road, Sector 28, Gurugram, Haryana 122002. The company is engaged in manufacturing and supplying of electrical material and providing services to companies before electricity board, DISCOMS of Bihar etc.

ii. During the course of the investigation, it was learnt that M/s Genus Power Infrastructure Ltd has been awarded two contracts of smart meter installations from both the DISCOMS of Bihar I.e. South Bihar Power Distribution Company Limited and North Bihar Power Distribution Company of worth Rs. 997 crores and Rs. 2850 crores in the year 2022 and 2023 respectively.

iii. Investigation revealed that Jitendra Kumar Agarwal approached Pawan Dhoot for availing his liasoning services to secure/facilitate the above-mentioned contracts from the Energy Depart Govt. Of Bihar. An agreement was entered into between M/s Genus Power Infrastructure Ltd. and M/s Dhoot

Infrastructure Pvt. Ltd. for the same and it was agreed that M/s Genus Power Infrastructure Ltd. would pay a sum of Rs. 123 Crs aprox. to M/s Dhoot Infrastructure Ltd. He from the bank accounts of M/s Genus Power Infrastructure Limited transferred Rs. 81.18 crores approx. to M/s Dhoot Infrastructure Projects Limited in the guise of payment towards liasoning services. Investigation further 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). M/s Prerna Smart Solution Private Limited received funds of Rs. 29 Cr approx. from Dhoot Group entities.

iv. Sh. Pawan Dhoot in his statement dated 03.12.2024 and 14.12.2024 recorded u/s 17 and 50 of PMLA, 2002 respectively gave a contradictory reply that he received that huge money from M/s Genus Power for providing business idea about EPC (Engineering, Procurement and Construction) contracts of smart metering along with existing business of manufacturing and supplying of smart meters to M/s Genus Power Infrastructure Limited, but upon being asked to provide supporting correspondences (both physical and digital) he failed to provide any. The facts disclosed by Pawan Dhoot in his statement recorded u/s 50 of PMLA, dated 14/12/24, 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 sub contracted it to the entity of Pushpraj Bajaj's namely M/s Prerna Smart Solution Private Limited relying upon Pushpraj Bajaj's contacts in. Energy Department Govt. of Bihar and mainly on this basis of his closeness with Sanjeev Hans, the then CMD, M/s BSPHCL. As regard the alleged liaisoning, he stated that he gathered insider information from the energy department through Pushpraj Bajaj 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 Infra Projects Limited, it is noticed that said agreement is signed by Pushpraj Bajaj behalf of M/s Prerna Smart Solution Private on 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.

v. In his statement under Section 50 of the Prevention of Money Laundering Act (PMLA), 2002, Mr. Pushpraj Bajaj claimed that Genus Power Infrastructure Ltd.. awarded a contract for smart meter surveys to entities associated with the Dhoot group, which was then subcontracted to Prerna Smart Solutions, owned by Pushpraj Bajaj. Prerna Smart Solutions further subcontracted the work to Kolkata-based Mining and Engineering Corporation, owned by Mr. Uttam Daga, Pushpraj Bajaj's brother-in-law. Of the Rs.29 crores received, Rs.12 crores were paid to Mining and Engineering Corporation for the alleged survey work, while Rs.17 crores were retained by Pushpraj Bajaj as profit for facilitating the contract execution. Digital evidence recovered from Pushpraj Bajaj's devices included invoices from Prerna Smart Solutions to Dhoot Infrastructure for liaisoning and commission charges, and from Prerna Marketing and Sales to Dhoot Properties for advisory fees. However, no records or invoices referenced the alleged survey work. During recording of his statements, Pushpraj Bajaj failed to substantiate these claims. Mahadeo Prashad Bajaj (brother of Pushpraj), a director in Prerna Smart Solutions, stated he was a namesake director and had no knowledge of the survey work, stating all operations were managed by Pushpraj Bajaj. Mining and Engineering Corporation similarly failed to produce any supporting documentation during searches under section 17 of PMLA, 2002, further discrediting the claim of legitimate work being performed.

vi. Further, it is learnt that prior entering into an agreement with M/s Dhoot Infrastructure Projects Limited, Pushpraj Bajaj had given his liasoning service to Pawan Kumar Dhoot in connection to the smart metering projects awarded to M/s Genus Power Infrastrcuture Limited by SBPDCL in 2022. For the same Pawan Kumar Dhoot had transferred an amount of Rs. 8.70 crores either directly from entities controlled by him or through an intermediary entity that initially received the funds and subsequently transferred them to Pushpraj Bajaj and associated entities.

vii. From, the aforementioned facts and discussions, it becomes evident that money routed from M/s Genus Power Infrastructures Limited through the entities of Pawan Dhoot namely M/s Dhoot Infrastructure Projects Limited to the entities of Pushpraj Bajaj 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 monies were nothing but kickbacks for Sanjeev Hans and his above-named associates involved in routing of such monies and creating of such layering and laundering network through web of entities and their bank accounts for facilitating M/s Genus Power Infrastructures Limited in tenders/contracts from

Energy Department, Govt. Of Bihar and also for smooth operations/execution of the contracts through abuse of the office and position by Sanjeev Hans. The funds transferred from M/s Genus Power Infrastructures Limited through M/s Dhoot Infrastructure Projects Dhoot group entities to the entities of Pushpraj Bajaj, were transferred in the guise of business transactions to give them genuine appearance and to mask its actual nature/purpose.

viii. Thus, it is evident that Pawan Kumar Dhoot using M/s Dhoot Infrastructure Projects Limited as a conduit in connivance with Jitendra Kumar Agarwal, Pushpraj Bajaj and Uttam Kumar Daga is indulged in generation of proceeds of crime of Rs. 81.18 crores and assisted Sanjeev Hans, Pushpraj Bajaj, M/s Genus Power Infrastructure Limited and M/s Prerna Smart Solutions Pvt Ltd in layering, laundering, concealment of proceeds of crime of Rs. 81.18 crores and also in its projection as untained. Thus, Pawan Kumar Dhoot is directly involved in the process or activity connected with the Proceeds of Crime including its generation, layering, laundering and also in projection or claiming Proceeds of crime as untainted and thus committed the offence of money laundering under Section 3 of PMLA, 2002 hence liable for punishment under Section 4 of PMLA, 2002.

ix. This is evident from the following:

i. Analysis of bank accounts of Pushpraj Bajaj, his family members and related business entities, Dhoot and Genus group of companies.

ii. Incriminating digital and physical evidence found and seized from Premises of Pushpraj Bajaj and Dhoot and Genus group of companies.

iii. Banking transactions of M/s Genus Power Infrastructure Limited, M/s Dhoot Infrastructure Project Private Limited, M/s Prerna Smart Solutions Private Limited and M/s Mining and Engineering Corporation. Statements u/s 17 and 50 of Jitendra Kumar Agrawal, Joint MD of M/s Genus Power Infrastructure Limited, statement u/s 17 of Megh Kothari, VP (Corporate) of M/s Genus Power Infrastructure Limited.

iv. Findings of search operations carried out at the premises of Pushpraj Bajaj, Genus Group and Dhoot Group of companies.

v. Statements u/s 17/50 of PMLA, 2002 of Pawan Dhoot, Mahadeo Bajaj, Jitendra Agrawal, Jagmohan Daga etc.

vi. Analysis of call logs of Jitendra Kumar Agarwal with Pawan Dhoot and call logs of Pawan Dhoot with Sanjeev Hans and Pushpraj Bajaj.

vii. Whatsapp chats between Jitendra Kumar Agarwal and Pawan Kumar Dhoot.

viii. Banking transactions of business entities of Dhoot Group Companies with Pushpraj Bajaj, his family members and business entities under his control.

ix. Banking transactions of M/s Jackpot Towers

Private Limited with Pushpraj Bajaj and M/s Prerna Marketing and Sales.

5. It is submitted by Mr. Indrajit Sinha, learned counsel appearing for the petitioner that the arrest of petitioner was illegal for the reason that ground of arrest and the reasons to believe were signed by Shri Bhoopesh, Assistant Director of the Enforcement Directorate cum Investigating Officer of this case, whereas the petitioner was arrested on 25th January 2025 by Shri Vipul Kumar in the purported capacity of Assistant Director/arresting officer and the arrest memo was issued under his signature and, therefore, undisputedly, the requirement of Section 19 of PMLA i.e. the recording the reasons to believe and setting out the grounds of arrest were sought to be complied with by one officer that in present case, the same was actually effected by another officer, who otherwise not competed to arrest in terms of Section 19 PMLA. It is submitted that illegal arrest of petitioner was challenged separately before this Court through C.W.J.C No. 680 of 2025, which is pending for consideration. It is pointed out that when arrest is illegal or is vitiated, bail cannot be denied on the ground of non-fulfillment of twin test under clause (ii) of Sub-section 1 of Section 45 of PMLA.

6. It is further submitted by Mr. Sinha, that the petitioner is suffering from interstitial Lung Disease (ILD) and his health condition is worsening day by day, due to which he was admitted in the hospital thrice while in custody. The documents evidencing the medical condition of the petitioner has been brought on record in form of **Annexure-P5.** It is pointed out that the medical condition is not curable and with age will get worse and he has been advised to get himself evaluated for lung transplant.

7. It is further argued by Mr. Sinha that it nowhere appears convincing from entire prosecution complaint that the money which is being term to be proceeds of crime as defined within the meaning of Section 2(u) has not been traced to be related to commission of any scheduled offence because as on date the reported schedule offence is the case relating to disproportion assets of the co-accused Sanjeev Hans. It is pointed out that nothing surfaced or no materials said to be collected to show that the petitioner has dealt with any proceeds generated by committing the stated schedule offence related to disproportionate assets acquired allegedly by the accused. It is submitted that the enforcement directorate cannot be permitted for investigation beyond the define circle of scheduled offence, which is being investigated by the Vigilance of the State of Bihar and, therefore, **"proceed of crime"**, as held by the Hon'ble Supreme Court in the matter of ***Vijay Madan Lal Chaudhary Vs. Union of India (2023)12 SCC 1*** (paragraph no. 106) has to be strictly construed. It is categorically observed in the aforesaid judgment at **para 152** that in absence of existence of proceeds of crime the authorities under the PMLA Act, 2002 cannot be step in or initiate any prosecution. Referring **paragraph 153**, it is further submitted that it was held through ***Vijay Madan Lal' Case (supra)*** that authority under the PMLA Act is to prosecute a person for offence of money laundering, only, if it has reasons to believe, which required to be recorded in writing that the persons is in possession of **"proceeds of crime"** and only if that belief is supported by tangible and credible evidence, indicative of involvement of the person concerned in any process or activity connected with the proceeds of crime, action under the Act can be taken against such person.

8. Arguing further, it is submitted by learned counsel that the main co-accused Sanjeev Hans and Pushpraj Bajaj, who are the calyx of entire episode has already been granted bail by one of the learned co-ordinate Bench of this Court. Several others co-accused persons, namely, Pushpraj Bajaj, Vipul Bansal, Gulab Yadav, Suresh Singla, Praveen Choudhary, Varun Singla, Shadeb Khan and Pawan Kumar have also been granted bail and, therefore, on the ground of judicial parity, this petitioner also deserves bail.

9. Explaining the stage of trial, it is pointed out by learned counsel that this Court vide order dated 11.11.2025 passed in Cr. Rev. No. 685 of 2025 has been pleased to set aside the cognizance order dated 08.01.2025 passed by the learned Special Court in Special Trial No. 10/2024 and matter has been remanded to the learned Special Judge, PMLA Patna for taking a fresh decision in accordance with law and after giving an opportunity of hearing under Section 223(1) of

BNSS. This order will apply to this petitioner also. Hence, the proceedings of the trial court as on date is at the pre-cognizance stage. It is pointed out that prosecution complaints speaks that there are **79 prosecution witnesses** who would be examined orally and **135 documents running into 26739 pages**, which the prosecution seeks to rely upon. There are a total **number of 35 accused,** who will exercise their right to cross examine the witnesses and lead their defence witness which would also consume a reasonable amount of time. Summing up all such events, it is submitted that the trial of this case is not likely to conclude in near future and, therefore, petitioner in want of trial cannot be kept behind bar for any indefinite period, which is in violation of his fundamental right *qua* speedy trial as available under Article 21 of the Constitution of India.

10. It is submitted by learned counsel that in view of explanation offered aforesaid, it is evident that petitioner cannot be said guilty of committing the scheduled offence as the same is based upon only suspicion lacking any fundamental basis, which may not be the basis for arraying the petitioner as an accused.

11. Arguing further, it is submitted that petitioner was not found in possession of proceed of crime as no cash, FD, Jewelry, property paper etc. was recovered from possession of this petitioner, who thoroughly cooperated during investigation and, therefore, his custody is bad in the eyes of law in view of legal report of Hon'ble Supreme Court as available through **Pankaj Bansal Vs. Union of India and others** reported in **(2024) 7 SCC 576**.

12. It is also submitted by Mr. Sinha that the foundational facts *qua* arrest in view of section 19 of the PMLA Act is also absent in this case as ED is bound to record the **"reasons to believe"** that petitioner is guilty of offence of money laundering. In this context, it is pointed out that it is almost settled proposition of law that recording of **"reasons to believe"** is mandatory and is subject to judicial review. In support of his submission, learned counsel relied upon the legal report of Hon'ble Supreme Court as available through **V. Senthil Balaji Vs. State and others** since reported in **(2024) 3 SCC 51.** It is further submitted that **"reasons to**

suspicion" cannot be construed at par by any prudent imagination as **"reasons to believe".**

13. Mr. Sinha also relied upon the **para 19** of the judgment of Hon'ble Supreme Court as available through ***Javed Gulam Nabi Shaikh Vs. State of Maharastra & Ors.*** since reported in ***2024 SCC Online SC 1693*** *qua* speedy trial, which reads as under:

> "If the State or any prosecuting agency including the court concerned has no wherewithal to provide or protect the fundamental right of an accused to have a speedy trial as enshrined under Article 21 of the Constitution then the State or any other prosecuting agency should not oppose the plea for bail on the ground that the crime committed is serious. Article 21 of the Constitution applies irrespective of the nature of the crime."

<u>Submission on behalf of Enforcement Directorate</u>

14. Mr. Zohaib 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 (petitioner) and Uttam Daga. 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. 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.

15. 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 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.

16. Summarizing the materials collected during investigation, it is pointed out by Mr. Hossain that following incriminating materials is available against this petitioner, which is as under:-

i. Analysis of bank accounts of Pushpraj Bajaj, his family members and related business entities, Dhoot and Genus group of companies.

ii. Incriminating digital and physical evidence found and seized from Premises of Pushpraj Bajaj and Dhoot and Genus group of companies.

iii. Banking transactions of M/s Genus Power Infrastructure Limited, M/s Dhoot Infrastructure Project Private Limited, M/s Prerna Smart Solutions Private Limited and M/s Mining and Engineering Corporation. Statements u/s 17 and 50 of Jitendra Kumar Agrawal, Joint MD of M/s Genus Power Infrastructure Limited, statement u/s 17 of Megh Kothari, VP (Corporate) of M/s Genus Power Infrastructure Limited.

iv. Findings of search operations carried out at the premises of Pushpraj Bajaj, Genus Group and Dhoot Group of companies.

v. Statements u/s 17/50 of PMLA, 2002 of Pawan Dhoot, Mahadeo Bajaj, Jitendra Agrawal, Jagmohan Daga etc.

vi. Analysis of call logs of Jitendra Kumar Agarwal with Pawan Dhoot and call logs of Pawan Dhoot with

Sanjeev Hans and Pushpraj Bajaj.

vii. Whatsapp chats between Jitendra Kumar Agarwal and Pawan Kumar Dhoot.

viii. Banking transactions of business entities of Dhoot Group Companies with Pushpraj Bajaj, his family members and business entities under his control.

ix. Banking transactions of M/s Jackpot Towers Private Limited with Pushpraj Bajaj and M/s Prerna Marketing and Sales.

17. 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.

18. 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.

19. 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, he referred **paras-19 and 20** of the aforesaid order.

20. 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,

21. As petitioner remains in custody since 27.01.2025 i.e. about eleven months, where **79 prosecution witnesses**

who would be examined orally and **135 documents running into 26739 pages**, which the prosecution seeks to rely upon. There are a 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, 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 and further the documents available on record *prima facie* suggest that petitioner is suffering from serious lungs related issues also, 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 Principal District and Sessions Judge-cum-Special Judge, PMLA, Patna, in connection with PMLA-SC- No. 10 of 2024 (arising out of ECIR/ PTZO/04/2024 dated 14.03.2024 and

Addendum 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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