

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84673 of 2024

Arising Out of PS. Case No.-5 Year-2014 Thana- E.C.I.R (GOVERNMENT OFFICIAL)
District- Patna

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Bhallu Singh @ Bhonu Prasad @ Bhallu Yadav Son of Baleshwar
Prasad Singh Resident of Mohalla - Nand Lal Chhapra, P.S. -
Ramkrishna Nagar, P.O. - Manoharpur, Kachhuara, District - Patna

... .. Petitioner

Versus

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

... .. Opposite Party

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Appearance :

For the Petitioner	:	Mr.Ramakant Sharma, Sr. Advocate Mr.Rakesh Kumar Sharma
For the ED	:	Mr.Tuhin Shankar, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 13-02-2025 Heard Mr. Ramakant Sharma, learned
senior counsel appearing on behalf of the
petitioner and Mr. Tuhin Shankar, learned Special
counsel appearing on behalf of the Directorate of
Enforcement, Government of Bihar, Patna.

2. Petitioner, who is in custody since
06.07.2024, seeks bail in connection with Special
(Trial) PMLA Case No. 07 of 2022 arising out of
ECIR No. PTZO/05/2014 dated 07.01.2014
registered for the offences under Sections 4 of the
Prevention of Money Laundering Act, 2002.



3. Allegation against the petitioner is of committing an offence such as extortion, murder, attempt of murder, illegal use of arms and ammunition, cheating, counterfeiting a property mark used by another and forgery etc., details of which are given in page nos. 6, 7, 8, 9 & 10 of the complaint petition.

4. Mr. Ramakant Sharma, learned senior counsel appearing for the petitioner submitted that the case of petitioner stands on lesser footing to that of co-accused Chandrama Prasad Singh, who has been granted bail by Hon'ble Supreme Court vide order dated 02.02.2024 passed in **Criminal Appeal No. 569 of 2024 (Arising out of S.L.P. (Criminal) No. 12063 of 2023)**.

5. Learned senior counsel further submitted that even in the judgment of Hon'ble Supreme Court as available through **Tarsem Lal Vs. Directorate of Enforcement** reported in **(2024) 7 SCC 61**, if the charge-sheet submitted after the investigation may be a ground for granting bail in such cases where petitioner approached before the



court with a prayer of anticipatory bail.

6. Mr. Sharma, submitted that investigation of this case is completed and charge-sheet has been filed and as such, there is no chance of tampering with the evidence.

7. Mr. Tuhin Shankar, learned Special counsel for the Directorate of Enforcement, while opposing the prayer of bail, could not disputed the submission as advanced by Mr. Sharma, learned senior counsel appearing for the petitioner.

8. Having heard learned senior counsel appearing for the petitioner and Mr. Tuhin Shankar, learned counsel appearing for the Directorate of Enforcement, it would be necessary to reproduce **para 4 & 5** in which, while granting bail to the co-accused Chandrama Prasad Singh, Hon'ble Supreme Court has observed as :-

"4. We have carefully perused the complaint under the PMLA Act. *Prima-facie* we find that nothing is stated therein to even indicate that the proceeds of crime were derived or obtained as a result of any criminal activity relating to scheduled offences. The existence of proceeds of crime as defined in Section 2(u) of the PMLA Act is a condition precedent for the commission of offence of money laundering under Section 3 of the PMLA Act.



5. Therefore, on the basis of material placed on record, as of today, as far as the appellant is concerned, we find that both the grounds in clause (ii) of sub-section 1 of Section 45 of the PMLA Act have been satisfied in this case. Therefore, the appellant deserves to be enlarged on bail, pending the disposal of the complaint under the PMLA Act.”

9. It would further be apposite to reproduce **para 30** of the judgment of Hon’ble Supreme Court as available in **Tarsem Lal’s** (supra), which reads as under:

“**30.** Once cognizance is taken of the offence punishable under Section 4 PMLA, the Special Court is seised of the matter. After the cognizance is taken, ED and other authorities named in Section 19 cannot exercise the power of arrest of the accused shown in the complaint. The reason is that the accused shown in the complaint are under the jurisdiction of the Special Court dealing with the complaint. Therefore, after cognizance of the complaint under Section 44(1)(b) PMLA is taken by the court, ED and other authorities named in Section 19 are powerless to arrest an accused named in the complaint. Hence, in such a case, an apprehension that ED will arrest such an accused by exercising powers under Section 19 can never exist.”

10. In view of aforesaid facts and circumstances and by taking aforesaid observation of Hon’ble Supreme Court while granting bail to the similarly situated co-accused Chandrama Prasad Singh @ Tuntun Singh, above-named petitioner/co-



accused 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 Sessions Judge/Special Judge (PMLA), Patna/concerned court, in connection with Special (Trial) PMLA Case No. 07 of 2022 arising out of ECIR No. PTZO/05/2014, 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.”).

(Chandra Shekhar Jha, J)

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