IN THE HIGH COURT OF JHARKHAND AT RANCHI
B.A. No.3283 of 2025

Imtiaz Ahmad, son of Abul Barkat Mallick, resident
of Manitola, Mashooque Manzil, Doranda,
P.O. and P.S. Doranda, District Ranchi. ----- Petitioner

Versus

Directorate of Enforcement, Government of India
represented through its Assistant Director. -----Respondent

CORAM:HON'BLE MR. JUSTICE RONGON MUKHOPADHYAY

For the Petitioner : Mr. Indrajit Sinha, Advocate
For the E.D. : Mr. Amit Kr. Das, Advocate

05/15.07.2025 Heard Mr. Indrajit Sinha, learned counsel for the petitioner and Mr. Amit Kumar Das, learned retainer counsel Enforcement Directorate.

2. The petitioner is an accused in connection with ECIR Case No. 5/23 in ECIR/RNZO/10/2023 registered for the offence under Section 3 of the Prevention of Money Laundering Act, 2002 ('PMLA' for short) punishable under Section 4 of PMLA.

3. A complaint case was filed by Umesh Kumar Gope against Rajesh Rai, Imtiaz Ahmed, Bharat Prasad, Lakhan Singh, Puneet Bhargav and Bishnu Kumar Agarwal for fraudulently acquiring 1 acre of land situated at Plot No. 28, Khata No.37 at village Gari, Cheshire Home Road, P.S. Sadar, District Ranchi. It has been alleged that Rajesh Rai illegally and fraudulently made a power of attorney in the name of Imtiaz Ahmed and Bharat Prasad and on the strength of the said power of attorney they had prepared a forged sale deed and sold the abovementioned parcel of land measuring 1 acre to Puneet Bhargav for an amount of Rs. 1,78,55,800. Puneet Bhargav had further sold the said land to Bishnu Kumar

Agarwal vide two sale deeds dated 01.04.2021 for a total amount of Rs. 1,80,00,000/-. The power of attorney was executed by fabricating documents and forging records and was transferred to Puneet Bhargav who in turn sold it to Bishnu Kumar Agarwal. The complaint which was registered as Complaint Case No. 3111/2021 was sent to the police by the learned Chief Judicial Magistrate, Ranchi upon which Sadar P.S. Case No. 399/2022 was instituted. Since the offence under section 420 and 467 IPC are scheduled offences under Part A of the Schedule of Prevention of Money Laundering Act 2002 (PMLA in short) an ECIR bearing No. RNZO/10/2023 was registered and investigation was initiated. A prosecution complaint was filed by the Enforcement Directorate in which it has been alleged that Rajesh Rai in connivance with Bharat Prasad, Mohammad Saddam Hussain, Afsar Ali, Imtiaz Ahmed (petitioner) and others had prepared one forged deed of the year 1948 and on the basis of which a power of attorney was executed in favour of Imtiaz Ahmed and Bharat Prasad. The other accomplices namely Lakhan Singh became the confirming party in the deed and they executed sale deed dated 06.02.2021 in favour of Punit Bhargav for an amount of Rs. 1,78,55,800/- which was registered as document no. 2021/ RAN/1016/BK1/906 in Book No. BK1, Volume No. 112 from pages 369 to 506 at the office of SRO, Ranchi. It has been stated that Punit Bhargav had further sold the said land to Bishnu Kumar Agarwal by 2 sale deeds dated 01.04.2021 registered as document no. 5100 - 2021 / RAN / 2784 / BK1 / 2483 in Book No. BK1 Volume No. 316 from page number 405 to 532 at the office of SRO, Ranchi and document no. 2021 / RAN / 2783 / BKI / 2482 in Book No. BK1 Volume No. 316 from page number 261 to 404 at the office of the SRO, Ranchi. It has come in course of investigation that though the consideration amount in the deed between Imtiaz, Amit, Bharat

Prasad and Punit Bhargav is shown as Rs.1,78,55,800/- but only an amount of Rs. 25 lakhs has been paid from the Bank of Baroda Account of Shiva Fabcons, one of the proprietorship firm of Punit Bhargav into the SBI Account No. 31180122501 of Rajesh Rai. Further investigation has revealed that out of the said amount of Rs. 25 lakhs, an amount of Rs. 13 lakhs were immediately transferred to the bank account of Green Traders, a partnership firm under the control of Mohammad Saddam Hussain. During investigation, surveys were conducted on 09.02.2023 at the Circle Office, Bargain and on 15.02.2023 at the Office of the Registrar of Assurances under Section 16 of the PMLA Act and the original Register II/Volumes containing the above entry were inspected and falsification of the original records were identified in the above documents. The custody of the original registers were taken from the Circle Office as well as from the Registrar of Assurances, Kolkata after the permission of PMLA Court, Ranchi under Section 91 of the CrPC. After obtaining due permission, the said original register was sent for examination by an expert to Directorate of Forensic Science, Handwriting and Forensics Bureau, Gandhinagar. The Directorate of Forensic Bureau has confirmed the forgery and tampering in the said register. It has been revealed in course of investigation that Afsar Ali, Mohammad Saddam Hussain, Imtiaz Ahmed, Bishnu Kumar Agarwal, Chhavi Ranjan, Prem Prakash, Lakhan Rai and Bharat Prasad are habitual offenders and they are involved in mass forgery.

4. It has been submitted by Mr. Indrajit Sinha, learned counsel for the petitioner that the petitioner in concert with Bharat Prasad was involved in obtaining the power of attorney of the Cheshire Home Road property which was based on a false deed and several other accused persons were also involved in the acquisition of the proceeds of crime. It was Afsar Ali who

was primarily responsible for forging documents related to land and had also manipulated the revenue records in the office of Registrar of Assurances at Kolkata and the petitioner is alleged to have acted at the behest of Afsar Ali. It has been submitted that Bharat Prasad has been granted bail by the Hon'ble Supreme Court in Criminal Appeal No. 17741/25.Several other co-accused persons have also been granted bail by the Hon'ble Supreme Court. The petitioner is in custody since 27.09.2023 and there is no likelihood of the trial being completed in the near future considering the fact that 34 witnesses have to be examined by the prosecution which also has placed reliance on documents numbering 131 running into 6318 pages.

5. Mr. Amit Kumar Das, learned retainer counsel ED has submitted that the petitioner is a habitual offender involved in organized forgery and had acted in connivance with the other accused persons.On a search conducted in the residential premises of the petitioner, several incriminating materials including forged documents were recovered. It has been submitted that the prayer for bail of Md.Afsar Ali has been rejected by a Coordinate Bench of this Court in BA No. 3193/2024.

6. The specific role of the petitioner who has been arrayed as accused No. 3 in the prosecution complaint has been depicted at Para 14.3 which reads as under:-

> *"14.3 Imtiaz Ahmed, S/o Abdul Barkat Mallick (Accused no. 3) - The accused person Imtiaz Ahmed was knowingly involved in obtaining the power of attorney with his accomplice and the accused no. 2, Bharat Prasad, of the Cheshire Home Road property in a fraudulent manner which was based on a fake deed. He is a party with the accused persons Afshar Ali, Md. Saddam Hussain, Rajesh Rai, Bharat Prasad, Lakhan Singh, Punit Bhargava and Prem Prakash in the activity and process connected with the acquisition of proceeds of crime and later transferring it in name of PunitBhargava*

for the accused Prem Prakash. Investigation has revealed that the accusedperson has connected banking transactions with other accused persons namely AfsharAli, Saddam Hussain, and Bharat Prasad. Investigation has revealed that accused hasreceived Rs. 4,09,023 in his bank accounts from Bharat Prasad on different dates.Investigation also reveals that out of Rs. 25 lacs received by the accused Rajesh Rai,an amount of Rs. 18 lacs was transferred to the accounts of Green Traders, a firm ofMd. Saddam Hussain. Out of this Rs. 18 lacs, Rs. 3 lacs was transferred to the accusedImtiaz Ahmed in his SBI bank account no. 31564743841 on 16.02.2021 and 17.02.2021which establishes direct link of the accused person with other accused in thisconspiracy. Further, the accused Imtiaz Ahmed has also interconnected with otheraccused persons, which shows involvement of the accused persons in larger conspiracywith other accused persons in acquiring and disposing properties as well as theirhabitual indulgence in the activities connected with proceeds of crime. Hence, theaccused person Imtiaz Ahmed is knowingly involved in the process and activityconnected with acquisition, possession, concealment and use of proceeds of crime aswell as projecting and claiming them as untainted property. Thus, the accused personImtiaz Ahmed has committed the offence of money laundering as defined under section3 of PMLA, 2002 and is accordingly liable to punished under Section 4 of PMLA, 2002."

7. It would be seemingly obvious from the allegations that the entire exercise of fraudulent activities carried out by forging and fabricating land related documents and use of the proceeds of crime was in connivance and conspiracy of all the accused persons including the petitioner.Several persons involved in the chain have been granted bail by the Hon'ble Supreme Court including Bharat Prasad who has been granted bail in Criminal Appeal No. 741/25, Rajesh Rai in Criminal Appeal No. 163/25 and Prem Prakash in Criminal Appeal

No.3752/24 as well as Chhavi Ranjan in BA No. 10833/23. The petitioner is incarcerated in judicial custody since 27.09.2023.

8. Regard being had to the entire facets of the case, the petitioner is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each, to the satisfaction of learned A.J.C.-1st cum Special Judge, PMLA, Ranchi in connection with ECIR case No. 05 / 2023 arising out of ECIR No. ECIR-RNZO/10/2023.

9. This application stands allowed.

(Rongon Mukhopadhyay, J.)

Shamim/-