IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23837 of 2026

Arising Out of PS. Case No.-5 Year-2024 Thana- E.C.I.R (GOVERNMENT OFFICIAL) District- Patna

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Nitin Mehra S/O Late Surinder Mehra Resident of G 38 Upper Ground Floor, Malik Chowk, P.S- Uttam Nagar, New Delhi 110059.

... ... Petitioner/s

Versus

The Union of India through the Assistant Director, Directorate of Enforcement First Floor, Chandpura Place, Bank Road, West Gandhi Maidan Road, Patna-800001.

... ... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Madhumay Madhup, Advocate
For the ED	:	Mr. Tuhin Shankar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY

CAV ORDER

5 24-06-2026 Heard learned counsel for the petitioner and learned counsel for the ED.

2. The petitioner has prayed for bail in connection with Special Trial (PMLA) Case No.02 of 2025, arising out of ECIR No. PTZO/05/2024 registered for the offence punishable under Sections 3 and 4 of the Prevention of Money Laundering Act, 2022 (hereinafter to be referred as the 'PMLA').

3. The case of the prosecution, in short, is that financial irregularities took place in Vaishali Sahari Vikash Co-operative Bank Limited, Hajipur (hereinafter to be referred as VSVCBL) wherein several officials of the said Bank in collusion of private individuals and entities allegedly committed

offence such as cheating, criminal conspiracy and misappropriation of public funds resulting in generation of Proceeds of Crime (in short 'PoC') to the tune of Rs.83.50 crores. The Directorate of Enforcement has urged that the petitioner along with others were involved in the layering and utilization of these alleged proceeds of crime and thus committed offence of money laundering as defined under Section 3 and punishable under Section 4 of the PMLA Act, 2002. The basis of the complaint is based on three FIRs, namely, 1. FIR bearing no. 933 of 2023 dated 18.11.2023 of Nagar P.S. Vaishali, under Sections 409, 420, 467, 468, 471 & 120B of the Indian Penal Court (in short 'IPC'), 2. FIR bearing no. 629 of 2023 dated 13.03.2023 of Nagar P.S. Vaishali, under Sections 379 & 420 of the IPC and 3. FIR bearing no. 785 of 2023 dated 30.09.2023 of Nagar P.S. Vaishali, under Sections 409, 420, 467, 468 & 471 of the IPC. It is further stated that the petitioner is proprietor of Mehra travels and has been carrying on transportation and logistic business for several years without any direct criminal history. The petitioner is the owner of Mehra Travels through whose bank accounts IDFC account no. 10068784935, Rs.11,75,30,000/- and Mehra Travels' IDFC account No. 10070076686 and Kotak Mahindra account No. 20012254181 with Rs.96.68 lakhs in cash deposits to Mehra

Travels' IDFC accounts of the PoC were routed from fraudulent loan accounts of VSV Bank. Additionally, Rs.4,90,66,714/- was transferred from the accounts of Mr. Nitin Mehra and Mehra Travels to the account of the co-accused Vipin Tiwari (Axis Bank account number 915010062403027 SBI account number 34732558176, HDFC account number 59100010122007, ICICI account number 1339301003195). Rs.28,00,000/- received from Mehra Travels was transferred to Nitin Mehra's account. Rs.1,11,87,400/- was routed through the accounts of close associates of Vipin Tiwari and entities linked to him. Further, Rs.36.35 lakh was transferred to his wife Vinita Singh, with about Rs.29 lakh of this amount being directly linked to PoC. Further investigation also establish that co-accused Vipin Tiwari often used bank account of Nitin Mehra and Mehra Travels for funding his lifestyles and other hobbies, such as purchasing expensive cars, travelling abroad, and making films, etc. This petitioner has been made accused in ECIR/PTZO/05/2024 dated 18.03.2024 on the basis of above mentioned three FIRs. The Enforcement Directorate has filed complain with lots of documents and relied upon documents under Section 45 read with Section 44 of the Prevention of Money Laundering Act(in short 'PMLA'), after commission of offence under Section 3 and punishable under Section 4 of the PMLA against the petitioner and other co-accused persons.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has falsely been implicated in this case. It has further been submitted that on a plain reading of the prosecution complaint and the material relied upon by the Enforcement Directorate, there is not even a prima facie allegation, much less any cogent material to suggest that the petitioner had any direct or active involvement in the commission of the predicate offence or in the process or activity connected with the alleged PoC. It has further been submitted that similarly situated co-accused Sandip Kumar Singh has been granted bail by this Court vide Cr. Misc. No. 51347 of 2025. It has further been submitted that the petitioner is having no criminal antecedent and he is in judicial custody since 11.01.2025.

5. Learned counsel for the petitioner has relied on following citations :-

(I) Ramkripal Meena v. Enforcement Directorate, **2024 SCC Online SC 2276** wherein the Hon'ble Apex Court has held in Paragraph '7' as under :-

> **7.** Adverting to the prayer for grant of bail in the instant case, it is pointed out by learned counsel for ED that the complaint case is at the stage of framing of charges and 24 witnesses

> are proposed to be examined. The conclusion of proceedings, thus, will take some reasonable time. The petitioner has already been in custody for more than a year. Taking into consideration the period spent in custody and there being no likelihood of conclusion of trial within a short span, coupled with the fact that the petitioner is already on bail in the predicate offence, and keeping in view the peculiar facts and circumstances of this case, it seems to us that the rigours of Section 45 of the Act can be suitably relaxed to afford conditional liberty to the petitioner. Ordered accordingly.

(II) V. Senthil Balaji v. Enforcement Directorate, **2024 SCC Online SC 2626** wherein the Hon'ble Apex Court has held in Paragraph '27' of the judgment as under :-

> "**27**. 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 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 will 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. Another important consideration is the higher threshold or stringent conditions which a statute provides for the grant of bail. Even an outer limit provided by the relevant law for the completion of the trial, if any, is also a factor to be considered."

(III) P. Chidambram v. Directorate of Enforcement, **(2020) 13 SCC 791** wherein the Hon'ble Apex Court has held as under :-

> **"A. Criminal Procedure Code, 1973 5. 439 Bail in economic offences involving corruption and abuse of high public office (of Union Finance Minister in present case) - When can be given offences - It would depend upon facts of each case - Considerations for grant of bail in present -Held, it is not a rule that bail (with appropriate conditions) cannot be granted in casebe such Case - Appellant directed to be released on bail subject to executing bail bonds for sum of Rs 2 lakhs with two sureties of like sum produced to satisfaction of Special Judge Other conditions Petitioner shall not leave country, shall make himself available for interrogation, shall not tamper with evidence, shall not attempt to intimidate or influence witnesses and shall not give any press interviews nor make any public comment in connection with this case qua him and other co-accused**
>
> **- It is not a rule that bail should be denied in case of economic offences – Basic jurisprudence relating to bail is that bail is the rule and**

> **refusal is the exception - A presumably Innocent person must have freedom to enable him to establish his case – He must have opportunity of seeking fair trial - Though gravity of offence is an important factor and economic offences as in present case are considered grave, considerations for grant of bail would depend upon facts of each case - On facts, appellant entitled to bail in present case"**

6. As against this, learned counsel for the Enforcement Directorate has vehemently opposed the bail and has submitted that there is direct allegation and evidence that the petitioner was involved in money laundering of Rs.12,71,98,000/-.

7. Learned counsel for the Enforcement Directorate has quoted the judgment of the Hon'ble Apex Court in the case of **Vijay Madanlal Choudhary v. Union of India** case, **(2023) 12 SCC 1** as under :-

> **"237. Be that as it may, we may now proceed to decipher the purport of Section 24 of the 2002 Act. In the first place, it must be noticed that the legal presumption in either case is about the involvement of proceeds of crime in money-laundering. This fact becomes relevant, only if, the prosecution or the authorities have succeeded in establishing at least three basic or foundational facts. First, that the criminal activity**

> **relating to a scheduled offence has been committed. Second, that the property in question has been derived or obtained, directly or indirectly, by any person as a result of that criminal activity. Third, the person concerned is, directly or indirectly, involved in any process or activity connected with the said property being proceeds of crime. On establishing the fact that there existed proceeds of crime and the person concerned was involved in any process or activity connected therewith, itself, constitutes offence g of money-laundering. The nature of process or activity has now been elaborated in the form of Explanation inserted vide Finance (No. 2) Act, 2019. On establishing these foundational facts in terms of Section 24 of the 2002 Act, a legal presumption would arise that such proceeds of crime are involved in money-laundering. The fact that the person concerned had no causal fact about his involvement in any process or activity connected therewith, by producing evidence in that regard, the legal presumption would stand the rebutted.”**

8. As far as grounds of parity is concerned, the case of petitioner Sandip Kumar is that he was merely working in a supervisory capacity in the firm RSDR Agri Aqua Llp for a monthly remuneration of Rs.25,000/- whereas there is money trail to the tune of Rs.12,71,98,000/- which is evident from the transactions through the accounts of the petitioner. So the prayer of the learned counsel for the petitioner that the case of this

petitioner is similar to that of Sandip Kumar is not sustainable.

9. Having heard learned counsel for the parties and considering the facts and circumstances of the case, I am not inclined to grant bail to the petitioner at this stage, however, he may renew his prayer for bail after six months if the trial is not concluded. Learned trial court is directed to expedite the trial.

(Ashok Kumar Pandey, J)

Durgesh/-

AFR/NAFR	NAFR
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