

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52407 of 2025

Arising Out of PS. Case No.-4 Year-2016 Thana- E.C.I.R (GOVERNMENT OFFICIAL)
District- Patna

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Tarun Kumar S/O Parduman Sharma R/O Village- Rustampur, P.S-
Hulashganj, District- Jehanabad.

... .. Petitioner/s

Versus

The Directorate of Enforcement, Patna Zonal Office, Patna. Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Singh, Advocate
For the Opposite Party/s : Mr. Dr. Krishna Nandan Singh (A.S.G.)
Mr. Rajesh Ranjan, Advocate, E.D.

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CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
CAV ORDER

8 05-02-2026 Heard the learned counsel for the petitioner; learned

APP for the State and Mr. Rajesh Ranjan, learned counsel for
the Directorate of Enforcement(E.D.)

2. The petitioner has prayed for bail in connection
with Special Trial (PMLA) Case No. 06 of 2018 arising out of
ECIR No. PTZO-04/2016 registered for the offence punishable
under Section 4 of the Prevention of Money Laundering Act,
2002.

3. The case of the prosecution in short is that on the
basis of information received from Superintendent of Police,
Economic Offences, Unit-3, Patna Vide Letter No. 95/c dated
02.06.2016 and L.G. (Operations) Bihar Vide Letter No.
291/Operations dated 10.10.2017 and after investigation the



present complaint Under Section 45 of the PMLA Act has been filed by the complainant against one Praduman Sharma @ Kundanji @ Lulha @ Saket @ Anish Ji and Pramod Sharma @ Prabhakar and other co-accused persons including the petitioner. It is alleged that Praduman Sharma @ Kundanji and Pramod Sharma @ Prabhakar Ji have indulged in scheduled offences covered under Para-1, 3, 4 and 5 of Part 'A' of the scheduled PMLA Act which are fully described in para-3 of the complaint petition. It is further alleged that above named both accused persons have acquired properties to the tune of Rs. 67,95,027/- from their criminal activities in the name of their family members including the petitioner. It is alleged that the petitioner has knowingly participated in acquisition of proceeds of crime.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has been falsely implicated in this case. Learned counsel for the petitioner has stated that the name of this petitioner has only been dragged because of his family background and the allegation on his father and uncle. It is next submitted that the property in question is a joint property bought in the name of the petitioner and his brother. The



valuation of the property in question is Rs. 3,89,575/- and the same is not under the ambit of Section 45 of PMLA Act. It was further submitted that from the perusal of the FIR, it is quite evident that the petitioner is not directly named in the FIR nor is involved in any of the crime which led to this complaint. The name of this petitioner has been deliberately included in the case to harass and malign the image of the petitioner. The petitioner is in Judicial Custody since 13.05.2024.

5. Learned counsel for the Directorate of Enforcement has vehemently opposed the prayer for regular bail of the petitioner and submits that the proceeds of crime generated by Pradumn Sharma and Pramod Sharma have been utilized to purchase immovable property/banks in his name and other family members. A plot of land registered vide sale deed no. 4806 dated 28.06.2016, jointly in the name of Barun Kumar and Tarun Kumar, was purchased through illegal and unaccounted cash, the source of which was not explained by them. Barun Kumar carried huge amount in cash of Rs. 22 lakhs, generated through proceeds of crime and attempted to merge the same with the mainstream economy after layering through banking channels 14 which shows that he knowingly involved in concealment of proceeds of crime acquired by Pradumn Sharma



and Pramod Sharma so as to project the same as untainted. It is further argued that the petitioner has deliberately assisted his father in acquisition of property in the joint name of him and his brother Barun Kumar out of proceeds of crime. The petitioner is knowingly in possession of a land jointly with his brother Barun Kumar, which has been purchased by Pramod Sharma and has signed the property of documents, knowing fully well that he and his family members do not have any legitimate source of such huge funds.

6. Learned counsel for the petitioner has placed reliance on the judgment passed by Hon'ble Supreme Court passed in **Manish Sisodia vs. Directorate of Enforcement (2024) 12 Supreme Court Cases 660** in paragraph nos. 35, 26, 20 and 7 which reads as under:-

35. The right to bail in cases of delay, coupled with incarceration for a long period, depending on the nature of the allegations, should be read into Section 439 of the Code and Section 45 of the PML Act. The reason is that the constitutional mandate is the higher law, and it is the basic right of the person charged of an offence and not convicted, that he



be ensured and given a speedy trial. When the trial is not proceeding for reasons not attributable to the accused, the court, unless there are good reasons, may well be guided to exercise the power to grant bail. This would be truer where the trial would take years.

*26. A perusal of the aforesaid would reveal that this Court was concerned about the prolonged period of incarceration suffered by the appellant. After considering various earlier pronouncements, this Court emphasized that the right to speedy trial is a fundamental right within the broad scope of Article 21 of the Constitution. Relying on *Vijay Madanlal Choudhary v. Union of India* 16 this Court observed that Section 436-A CrPC should not be construed as a mandate that an accused should not be granted bail under the PMLA till he has suffered incarceration for the specified period. This Court recorded the assurance given by the*



prosecution that they shall conclude the trial by taking appropriate steps within next 6-8 months. This Court, after recording the said submissions, granted liberty to the appellant to move a fresh application for bail in case of change in circumstances or in case the trial was protracted and proceeded at a snail's pace in next three months. This Court observed that if any application was filed, the same would be considered by the trial court on merits without being influenced by the dismissal of the earlier bail applications including its own judgment. It further observed that the observations made regarding the right to speedy trial will be taken into consideration.

“20. The right to life and personal liberty is the most sacrosanct fundamental right guaranteed under Articles 20, 21 and 22 of the Constitution of India. Any attempt to encroach upon this fundamental right has been frowned upon by this Court in a



catena of decisions. In this regard, we may refer to following observations made by this Court in Roy V.D. v. State of Kerala²¹: (SCC p. 593, para 7)

‘7. The life and liberty of an individual is so sacrosanct that it cannot be allowed to be interfered with except under the authority of law. It is a principle which has been recognised and applied in all civilised countries. In our Constitution Article 21 guarantees protection of life and personal liberty not only to citizens of India but also be aliens.’”

7. Perused the case records.

8. From perusal of the case of the prosecution, it is clear that the allegation against the petitioner is that he and his brother Barun Kumar are having a sale deed in joint name consideration amount of which is 3,89,575/- and that this piece of land was purchased with the proceeds of crime.

9. It is further alleged that six sale deeds have been executed within three months i.e., from 04.04.2016 to 04.07.2016 for consideration of Rs. 29,83,196/- and all the payments were done in cash and during statement under Section



50 the of PMLA Act, Pramod Sharma and his family members could not provide any evidence regarding source of acquisition of above mentioned properties. They do not have PAN and do not file ITRs. From perusal of the case of the prosecution, it is also significant that the entire allegation is against Pramod Sharma **(the father of the petitioner)**.

10. Learned counsel for the petitioner has relied on a judgment passed in **SLP (Criminal) No. 15478 of 2025** wherein their lordships have held in para 15 and 16 which read as under:-

“15. We have given our thoughtful consideration to the rival submissions and have carefully perused the record. The court while dealing with the prayer for grant of bail has to consider gravity of offence, which has to be ascertained in the facts and circumstances of each case. One of the circumstances to consider the gravity of offences is also the term of sentence i.e., prescribed for the offence, the accused is alleged to have committed. The court has also to take into account the object of the



special Act, the gravity of offence and the attending circumstances along with period of sentence. All economic offences cannot be classified into one group as it may involve various activities and may differ from one case to another. Therefore, it is not advisable on the part of the Court to categorize all the offences into one group and deny bail on that basis. It is well settled that 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. The aforesaid proposition was quoted with approval by another two-Judge Bench of this Court and it was held that long period of incarceration for



around 17 months and the trial not even having commenced, the appellant in that case has been deprived of his right to speedy trial.

16. A two-Judge Bench of this Court in V. Senthil Balaji's case? has held that under the statutes such as PMLA, where maximum sentence is seven years, prolonged incarceration pending trial may warrant grant of bail by Constitutional Courts, if there is no likelihood of the trial concluding within a reasonable time. Statutory restrictions cannot be permitted to result in indefinite pretrial detention in violation of Article 21."

11. It is also pertinent to mention here Section 45 of the PMLA Act. Section 45 of the PMLA Act which reads as under:-

“45. Offences to be cognizable and non-bailable. - (1)
[Notwithstanding, person accused of an offence under this Act shall be released on bail or



on his own bond unless-]

(1) the Public Prosecutor has been given an opportunity to oppose the application for such release; and

(ii) where the Public Prosecutor opposes the application, the Court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail:

Provided that a person, who is under the age of sixteen years or is a woman or is sick or infirm, [or is accused either on his own or along with other co-accused of money-laundering a sum of less than one crore rupees] may be released on bail, if the Special Court or directs:”

12. Coming back to the facts of this case, in this case,



the allegation against the petitioner is that he along with his brother are having a joint sale deed, the consideration of which is Rs. 67,95,027/- which is much less than one crore.

13. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge-cum-Special Judge, (PMLA), Patna in connection with Special Trial (PMLA) Case No. 06 of 2018 arising out of ECIR No/ PTZO-04/2016.

(Ashok Kumar Pandey, J)

Sudhanshu/-

AFR/NAFR	NAFR
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