IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82199 of 2025

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

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Ram Babu Shandilya S/o Late Gangadhar Shastri Resident of - 52/A, Lanka, P.S - Kotwali, District - Ghazipur, State - Uttar Pradesh, Pin - 233001

... ... Petitioner/s

Versus

Union of India through The Deputy Director, Directorate of Enforcement, Patna Zonal Office, Bank Road, Chandpura Palace, P.S - Kotwali, District - Patna, Pin - 800001

... ... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ramakant Ram Anand, Advocate
For the E.D.	:	Mr. Rajesh Ranjan, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY

CAV ORDER

7 17-03-2026 Heard learned counsel for the petitioner and learned counsel for the Directorate of Enforcement.

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 44 & 45 of the Prevention of Money Laundering Act defined under Section 3, punishable under Section 4 and confiscation of properties under Section 8(5) of PMLA.

3. The case of the prosecution, in short, is that the petitioner was accused in one FIR No. 439 of 2023 dated 30.08.2023 registered in P.S. Kotwali, Ghazipur in connection with Poorvanchal Cooperative Bank, Ghazipur regarding fraud of Rs.30 crores. The petitioner has been made accused in ECIR No.

PTZO/05/2024 dated 18.03.2024 relying upon 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 embezzlement of public money to the tune of Rs.83.50 crores from Vaishali Shahari Vikash Co-operative Bank Ltd. (hereinafter referred to as VSV) through 383 fraud loan accounts by using fake/forged warehouse/LIC receipts and by revising of existing lending policy of the bank where various lending terms diluted including KYC compliance, CIBIL score, lending rates, loans against deposits review process, exposure limit, CC limits etc. It is further case of the prosecution that the main allegation against the petitioner is that he has been guilty of 1. Connivance with his son-in-law Vipin Tiwary in layering, laundering and concealment of Procees of Crime (in short 'POC') of Rs.1.62 crores generated by committing fraud in VSV Bank and 2. His denial of intimacy with Sanjeev Kumar and Nitin Mehra, which led the ground for recording ECIR/PTZO/05/2024 and reason to believe which turned into his arrest by Assistant Director, Directorate of

Enforcement, Govt. of India, Patna Zonal office u/s 19 of Prevention of Money Laundering Act, before lodging complaint under the said act.

4. It has been stated that the petitioner is innocent and has been falsely implicated in this case with ulterior motive and the investigation carried out by the Enforcement Directorate is misconceived. It has further been submitted that the petitioner is an old man aged about 70 years (D.O.B. is 01.04.1955) and for last several years the petitioner is suffering from critical illness which requires intensive care, medical treatment and follow-up. It has further been submitted that the petitioner is practicing lawyer of Ghazipur Civil court, U.P. and has been the public prosecutor from advocate panel of the said court for a long time. He is also a businessman and has been filing his ITR for several years and categorically disclosed his sources of income.

5. Learned counsel for the petitioner has relied on the judgment of Hon'ble Supreme Court passed in the case of Amar Sadhuram Mulchandani vs. Directorate of Enforcement & Anr. In Special Leave to Appeal (Crl.) No (s).11376/2024 wherein in paragraphs '8' to '10' of the judgment, Hon'ble Apex Court has held as follows:-

> "8. The proviso to Section 45(1) of PMLA specifically contemplates that a person who "is sick or inform" may be

> released on bail if the Special Court so directs.
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> 9. The petitioner is 67 years old and has spent nearly a year and three months in custody. Based on the medical evaluation which has been provided by the Medical Team at Sir J J Group of Hospitals, Mumbai, it is evident that the petitioner fulfills the threshold required for being enlarged on bail.
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> 10. In the above circumstances, we direct that the petitioner be released on interim bail subject to such terms and conditions as may be imposed by the Special Court in connection with ECIR/MBZO-II/10/2021."

6. Learned counsel for the petitioner has further relied on the judgment of Hon'ble Delhi High Court wherein the learned Co-ordinate Bench of Hon'ble Delhi High Court has granted bail to the petitioners who were suffering from disease. Learned counsel for the petitioner has also placed the proviso appended to Section 45 (ii) of the Prevention of Money-Laundering Act, 2002 which is as follows:-

> "…. Provided that a person, who is under the age of sixteen years or is a woman or is sick of infirm, [3][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 so directs."

7. Learned counsel for the petitioner has further relied on the judgment of Hon'ble Supreme Court in Cr. Appeal No. 2178 of 2011 reported in AIR (2012) SC 830 wherein in paragraphs '20' & '21', the Hon'ble Apex Court has relied in its earlier decision as under :-

> 20) In Moti Ram v. State of M.P., (1978) 4 SCC 47, this Court, while discussing pre-trial detention, held:
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> "14. The consequences of pre-trial detention are grave. Defendants presumed innocent arc subjected to the psychological and physical deprivations of jail life, usually under more onerous conditions than are imposed on convicted defendants. The jailed defendant loses his job if he has one and is prevented from contributing to the preparation of his defence. Equally important, the burden of his detention frequently falls heavily on the innocent members of his family."
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> 21) The concept and philosophy of bail was discussed by this Court in Vaman Narain Ghiya v. State of Rajasthan, (2009) 2 SCC 281, thus:
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> 6. "Bail" remains an undefined term in CrPC. Nowhere else has the term been statutorily defined. Conceptually, it continues to be understood as a right for assertion of

freedom against the State imposing restraints. Since the UN Declaration of Human Rights of 1948, to which India is a signatory, the concept of bail has found a place within the scope of human rights. The dictionary meaning of the expression "bail" denotes a security for appearance of a prisoner for his release.

Etymologically, the word is derived from an old French verb "bailer" which means to "give" or "to deliver", although another view is that its derivation is from the Latin term "baiulare", meaning "to bear a burden". Bail is a conditional liverty. Stroud's Judicial Dictionary (4th Edn., 1971) spells out certain other details. It states:

"… when a man is taken or arrested for felony, suspicion of felony, indicted of felony, or any such case, so that he is restrained of his liberty. And, being by law bailable, offereth surety to those which have authority to bail him, which sureties are bound for him to the King's use in a certain sums of money, or body for body, that he shall appear before the justices of goal delivery at the next sessions, etc. Then upon the bonds of these sureties, as is aforesaid, he is bailed-- that is to say, set at liberty until the day appointed fro his appearance."

> Bail may thus be regarded as a mechanism whereby the State devolutes upon the community the function of securing the presence of the prisoners, and at the same time involves participation of the community in administration of justice.

8. As against this, the learned counsel for E.D. has vehemently opposed the bail and has submitted that the allegations against the petitioner are grave and that the petitioner has been involved in Co-operative Society Activities since 1998 and knew Tulsidas Mehta from NAFCUB and attended the Annual General Meeting of VSV Co-operative Bank Limited in 2017, after which Alok Mehta and Sanjeev Kumar visited his residence cum Head office of Purvanchal Cooperative Bank and he is knowingly a party and is actually involved with the Proceeds of Crime (POC) including its concealment, possession, acquisition.

9. As far as ground of the petitioner regarding illness is concerned, it has been reported in the judgment of the Hon'ble Delhi High Court in the case of Amit Katyal vs. Directorate of Enforcement, Government of India in Crl.M.A. No. 18285 of 2024 wherein in paragraph '15' of the judgment, it has been recorded that in the case of Pawan @ Tamater v. Ram Prakash

Pandey, (2002) 9SCC 166 that **"***the Supreme Court had an occasion to hold that the discretion vested in the courts to grant bail on medical grounds should be exercised in a sparing and cautious manner. It was observed that every nature of sickness would not entitle the accused to be released on bail unless it is demonstrated that the sickness is of such nature that if the accused is not released, he cannot get proper treatment.***"**

10. There are allegations against the petitioner that he in connivance with his son-in-law Vipin Tiwary was involved in layering, laundering and concealment of POC of Rs.1.62 crores. A report from the jail was called on the application of the petitioner and from perusal of the report which has been sent by the jail it is clear that the petitioner is suffering from heart disease and his treatment was done at PMCH and IGIMS. It has further been submitted that on 22.08.2025, the petitioner was shifted to O.T. The Doctor further clarified that Mitral volve Excised-Immediate removal of calcium malicum as for as possible LAXLV washed ENS malicious. He is also on insulin.

11. Learned counsel for the petitioner has submitted that if the petitioner is not given proper treatment, he may die in jail and the papers of the treatment which has been submitted by the jail substantiates the submission of the learned counsel for the petitioner. Learned counsel for the petitioner has further submitted that the petitioner is in judicial custody since 11.01.2025. Learned counsel for the petitioner has further submitted that from perusal of the order of the learned trial court it is clear that even charges are not framed.

12. 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. 25,000/- (Rs. twenty five thousand only) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge/Special Judge (A.S.J.-XVI), Patna in connection with Special (Trial) PMLA Case No. 02 of 2025 arising out of ECIR No. PTZO/05/2024.

13. Accordingly, the present bail application stands allowed.

(Ashok Kumar Pandey, J)

durgesh/-

AFR/NAFR	NAFR
CAV DATE	25.02.2026
Uploading Date	17.03.2026
Transmission Date	17.03.2026