IN THE HIGH COURT OF JHARKHAND AT RANCHI
B.A. No.7872 of 2025

Bhanu Pratap Prasad, aged about 57 years, son of Late Ram Lal Prasad, resident of Jhoolan Singh Chowk, Simdega, P.O. & P.S.-Simdega, Dist.-Simdega

.... **Petitioner**

Versus

The Directorate of Enforcement

... ... **Opposite. Party**

CORAM: HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD

For the Petitioner : Mr. Jitendra Shankar Singh, Advocate
Mrs. Shabina Parween, Advocate
For Opp. Party-E.D. : Mr. Amit Kumar Das, Advocate
: Mr. Saurav Kumar, Advocate
: Mr. Varun Girdhar, Advocate
Mr. Manmohit Bhalla, Advocate

C.A.V. on 12.11.2025 **Pronounced on 26/11/2025**

Prayer

1. The instant application has been filed under Sections 483 and 484 of the B.N.S.S., 2023 praying for grant of bail in connection with ECIR Case No.01 of 2023 arising out of ECIR/RNZO/18/2022 dated 21.10.2022 registered for the alleged offence under Sections 3 and 4 of the Prevention of Money Laundering Act, 2002, now pending in the Court of learned A.J.C.-I-cum-Special Judge, P.M.L.A. at Ranchi.

Prosecution case/Facts

2. The brief facts of the case is that an ECIR bearing No. 18/2022 was recorded on the basis of the FIR bearing No. 141 of 2022 dated 04.06.2022, lodged at Bariatu Police

Station, Ranchi Jharkhand under Sections 420, 467 and 471 of the Indian Penal Code against Pradip Bagchi on the basis of complaint of one Sri Dilip Sharma, Tax Collector, Ranchi Municipal Corporation, for submission of forged papers i.e., Aadhar Card, Electricity Bill and Possession letter for obtaining holding number 0210004194000A1 and 0210004031000A5.

3. The investigation revealed that by submitting the forged documents, a holding number was obtained in name of Pradip Bagchi for property at Morabadi Mouza, Ward No. 21/19 at Ranchi having an area of the plot measuring 455.00 decimals approximately.

4. Investigation further revealed that the above property belonged to Late B.M. Laxman Rao which was given to the Army and had been in the possession and occupation of the Army since independence. Investigation also reveals that by way of creating a fake owner (Pradip Bagchi) of the above said property, it was sold to a company M/s Jagatbandhu Tea Estate Pvt. Ltd for which the consideration amount was shown Rs. 7 crores which was highly under value and out of this amount payment amounting to Rs. 25 lakhs only were made into the account of said Pradip Bagchi and rest of the money was falsely shown to be paid through cheques in the deed no. 6888 of 2021.

5. It has come during investigation that records available at the Circle Officer, Bargain, Ranchi along with the office of Registrar of Assurances, Kolkata have been altered and records have been modified. The survey of Circle Office Bargain as well as Registrar of Assurances, Kolkata transpires that documents have been tampered to create fictitious owner of the above properties.

6. It has also come during investigation that some other properties which are non-saleable Government land, have been acquired by forging the records and creating fraudulent documents and by tampering the records available at the concerned land record authorities.

7. It has been alleged that the petitioner, Bhanu Pratap Prasad, who held the post of Revenue Sub-Inspector at the Circle Office, Bargain, was a key and active member of this organized racket.

8. The Enforcement Directorate upon completion of investigation registered ECIR Case no. 01/2023 in E.C.I.R/RNZO/18/2022 dated 21.10.22.

9. Thereafter, the petitioner was arrested in this case, and he preferred Misc. Cri. Application No. 1032 of 2025 for grant of bail before the Spl. Judge PML Cases Ranchi which was rejected vide order dated 11.06.2025 hence, the instant bail application.

Argument advanced by the learned counsel for the petitioner

10. Learned counsel appearing for the petitioner has taken the following grounds that: -

(i) Even if the entire ECIR will be taken into consideration, no offence will be said to be committed so as to attract the ingredients of Sections 3 & 4 of the P.M.L. Act, 2002.

(ii) The petitioner's involvement in the present case is predicated solely upon conjecture and purported admissions made by co-accused. This implicating factor lacks substantial evidentiary support and raises concerns regarding its reliability and admissibility.

(iii) He is having no involvement or connection with the entirety of the prosecution proceedings or the disputed land in question.

(iv) The petitioner has no prior criminal record. the petitioner has neither committed any fraud/cheating or forged any documents, thus, no offences under the aforementioned sections have been committed by the petitioner.

(v) There is no assertion that the petitioner attempted to commit any offence delineated under the Prevention of Money Laundering Act, particularly as delineated in Section 3 of the statute.

(vi) It is stated that in the year 1990 the petitioner joined his service as a Rajaswa Karamchari in the District of Gumla and time-to-time he has been transferred from one Circle Office to another Circle office in the different-different district and lastly in the month of February 2019 petitioner joined as a Revenue Sub-Inspector in Circle Office, Bargain, Ranchi and only because he was posted in the Bargain Circle office he has been made accused in the instant case, however he has committed no offence as alleged in the instant case.

(vii) It is stated that a search was conducted on 13.04.2023 at the residential premises of the petitioner at Jhoolan Singh Chowk, Simdega and another search was conducted at rental residential places situated at Road No.7, Hill View Road, Bariatu, Ranchi.

(viii) It has further been contended that During search of the residential premises of the petitioner at Jhoolan Singh Chowk, Simdega an amount to the tune of Rs.3,97,800/- and one gold chain worth of Rs.77,000/- as per bill dated 03.04.2023, two mobile sets with Sim No.8084164626 and Sim No.8789563290, 6 Pass Books and 4 cheque books were seized and apart from that no any other incriminating documents and articles were seized.

(ix) It is stated that during search of rental residential places situated at Road No.7, Hill View Road, Bariatu, Ranchi some registers in total number 17, some loose papers, stuffed in 11 trunks and one H.P. Laptop has been seized, however no any incriminating documents has been recovered from the rental house and the documents which was seized from the petitioner's house had been kept due to security reason not for any other malicious act.

(x) It is stated that the articles and documents seized during search at rental premises of the petitioner at Ranchi are not incriminating in nature. The petitioner's laptop which was seized during search on 13.04.2023 does not contain any incriminating data.

(xi) It is stated that the petitioner has not acquired any movable or immoveable property from the proceeds of crime under Prevention of Money Laundering Act 2002 which is evident from the documents and the circumstances of the instant case.

(xii) It is stated that the petitioner has committed no offence and no proceeds of crime as defined under PMLA has either been generated by him or has been received by him at any point of time. The entire case of the prosecution is based on presumption and assumption without any evidence and hence it can safely be said that the petitioner is an innocent. A close examination of the working and financial background of the petitioner will clearly demonstrate that the story manufactured by the prosecution pertaining to "proceeds of crime" is false, legally unsustainable and cannot be relied upon.

(xiii) Petitioner has been remanded in the instant case on 14.04.2023 and since then he is languishing in jail custody i.e., for about 2 years 07 months.

(xiv) The petitioner has been made victim of circumstances and has falsely been implicated in the instant case without any cogent and reliable evidences as against him.

11. Learned counsel for the petitioner, based upon the aforesaid grounds, has submitted that the learned court while considering the prayer for bail ought to have taken into consideration all these aspects of the matter both legal and factual but having not done so, serious error has been committed.

12. Further submission has been made in the aforesaid view of the matter as per the ground agitated that it is a fit case where the petitioner is to be given the privilege of bail.

Argument advanced by the learned counsel for the respondent/Directorate of Enforcement

13. *Per contra*, Mr. Amit Kumar Das, learned counsel for the Enforcement Directorate, has vehemently opposed the prayer for bail by taking the following grounds: -

(i) It has been submitted that it is incorrect on the part of the petitioner that he is innocent and having no connection with the commission of crime.

(ii) It has been contended that if the proceeds of crime are there, the same will be said to be respective of the proceeds obtained from the scheduled offence, rather, even in case of proceeds of crime if it has been obtained other than the crime as under the scheduled offence, then also the ingredients of Section 3 of the P.M.L. Act, 2002 will be applicable.

(iii) It has been contended that the present petitioner, has misused his position and worked together with the members of the land mafia His illegal actions include hiding official land records at his private residence changing land entries to benefit others.

(iv) The explanations given by the petitioner about the seized materials are false. 17 original land registers were kept at this private residence for security reasons is not acceptable.

(v) Thus, the petitioner was knowingly a party and actually involved with the other accomplices in activity connected with the proceeds of crime i.e. its acquisition, use and projecting and claiming the proceeds of crime as untainted property. Thus, the petitioner is guilty of the offence of money laundering as defined under section 3 of PMLA, 2002, punishable under section 4 of PMLA, 2002.

(vi) The instant prosecution complaint is backed by documentary evidences and incriminating seizure which are further corroborated from other accused or witnesses during their statements under Section 50 of PMLA, 2002.

(vii) The petitioner's claims are merely an attempt to conceal his involvement in illegal activities related to assisting his accomplices in fraudulently acquiring properties.

(viii) In his own voluntary statement dated 16.04.2023, the petitioner admitted to his role in a larger system of corruption, stating that a fixed bribe of 2 to 2.5 lakhs was collected every month and sent to the high officials. This is corroborated by evidence of cash payments found in a diary seized from co-accused Imtiaz Ahmed.

(ix) The petitioner admitted in his statement dated 23.04.2023 to falsifying entries in Register-II to create a fake title for a relative of the main accused, Pradip Bagchi. This was not an isolated act; he also traveled to Kolkata to obtain certified copies of forged deeds for another 3.81-acre fraudulent land transaction, proving his active and continuous role in the conspiracy.

(x) The petitioner's past conduct demonstrates a high propensity to obstruct justice. The act of illegally removing and concealing 17 volumes of official government registers is a direct attempt to tamper with primary evidence. Such conduct establishes that if released on bail, the petitioner is highly likely to influence witnesses, destroy evidence, and misuse his liberty to derail the judicial process.

(xi) The offence committed by the petitioner is not an ordinary crime, but a grave economic offence that falls in the category of cases which is a class apart and further in matters involving serious economic offences, the period of incarceration cannot be the sole consideration for grant of bail, and that a stricter approach is warranted in view of the impact on society and public trust, Therefore, the petitioner's plea regarding his period in custody does not merit consideration for the grant of bail. The learned Special Judge, after duly considering the material on record and the gravity of the offense, rightly found a prima facie case and was not inclined to enlarge the accused petitioner on bail. The petitioner has presented no new facts to overcome these well-reasoned findings.

(xii) The petitioner has attempted to mislead this Hon'ble Court by providing false justifications for the highly incriminating materials seized from his private residence on 13.04.2023 and the explanation that 17 original government registers were kept at his private residence for security reasons following a theft at the Circle Office is a baseless and untenable excuse as a Revenue Sub-Inspector and public servant, the illegal removal of sensitive public records from designated official custody and their concealment at a private location is, in itself, an egregious act of misconduct and a direct attempt to tamper with evidence.

(xiii) The claim that the petitioner is being targeted only because of his official posting at the Bargain Circle Office is false and misleading. The investigation has clearly shown that he misused his position and worked together with members of the land mafia and he has been named not just because of his job title, but because he used his position to commit serious financial crimes.

(xiv) The petitioner has failed to offer any genuine or legally acceptable explanation for the seized cash, gold, and banking documents. In view of the strong evidence of his role in a criminal conspiracy and the statutory presumption under the PMLA, these items must be treated as prima facie proceeds of crime.

(xv) The plea that the petitioner is a "victim of circumstances" is clearly an attempt to avoid responsibility. The material on record shows that he was an active and willing participant who knowingly misused his official position for personal gain. He was not a passive bystander, but a key facilitator in the entire criminal conspiracy.

(xvi) The statement that the case is based only on Section 50 statements is not fit to be acceptable as the petitioner's involvement is proved by many independent sources of evidence, such as Seizure of 17 original land registers from his private residence; Call detail records (CDRs) showing regular contact with co-accused and Forensic reports confirming forgery and tampering of official records.

(xvii) The petitioner's first regular bail application (M.C.A. no. 2941/2023) was duly considered and dismissed on its merits by the learned Special Judge, PMLA Cases, Ranchi, vide order dated 04.10.2023 and the current petition is a reiteration of grounds already adjudicated upon and rejected in the impugned order dated 11.06.2025.

14. Learned counsel for the Opp. Party-ED, based upon the aforesaid grounds, has submitted that it is not a fit case for grant of regular bail in favour of the petitioner.

Analysis

15. Heard the learned counsel for the parties and perused the documents available on record.

16. This Court before appreciating the argument advanced on behalf of the parties, deems it fit and proper to discuss herein some of the provision of law as contained under the PML Act, 2002 (Act 2002) with its object and intent as also the legal proposition as settled by the Hon'ble Apex Court in various judgments.

17. The Act 2002 was enacted to address the urgent need to have a comprehensive legislation inter alia for preventing money-laundering, attachment of proceeds of crime, adjudication and confiscation thereof including vesting of it in the Central Government, setting up of agencies and mechanisms for coordinating measures for combating money-laundering and also to prosecute the persons indulging in the process or activity connected with the proceeds of crime.

18. It is evident that the Act 2002 was enacted in order to answer the urgent requirement to have a comprehensive legislation inter alia for preventing money-laundering, attachment of proceeds of crime, adjudication and confiscation thereof for combating money-laundering and also to prosecute the persons indulging in the process or activity connected with the proceeds of crime.

19. The objective of the PMLA is to prevent money laundering which has posed a serious threat not only to the financial systems of the country but also to its integrity and sovereignty. The offence of money laundering is a very serious offence which is committed by an individual with a deliberate desire and the motive to enhance his gains, disregarding the interest of the nation and the society as a whole, and such offence by no stretch of imagination can be regarded as an offence of trivial nature. The stringent provisions have been made in the Act to combat the menace of money laundering.

20. It needs to refer herein the definition of "proceeds of crime" as provided under Section 2(1)(u) of the Act, 2002 which reads as under:-

> "2(u) "proceeds of crime" means any property derived or obtained, directly or indirectly, by any person as a result of criminal activity relating to a scheduled offence or the value of any such property [or where such property is taken or held outside the country, then the property equivalent in value held within the country] [or abroad]; [Explanation.—For the removal of doubts, it is hereby clarified that "proceeds of crime" include property not only derived or obtained from the scheduled offence but also any property which may directly or indirectly be derived or obtained as a result of any criminal activity relatable to the scheduled offence;]"

21. It is evident from the aforesaid provision by which the "proceeds of crime" means any property derived or obtained, directly or indirectly, by any person as a result of criminal activity relating to a scheduled offence or the value of any such property or where such property is taken or held outside the country, then the property equivalent in value held within the country or abroad.

22. In the explanation, it has been referred that for the removal of doubts, it is hereby clarified that "proceeds of crime" include property not only derived or obtained from the scheduled offence but also any property which may directly or indirectly be derived or obtained as a result of any criminal activity relatable to the scheduled offence.

23. It is, thus, evident that the reason for giving explanation under Section 2(1)(u) is by way of clarification to the effect that whether as per the substantive provision of Section 2(1)(u), the property derived or obtained, directly or indirectly, by any person as a result of criminal activity relating to a scheduled offence or the value of any such property or where such property is taken or held outside the country then the property equivalent in value held within the country but by way of explanation the proceeds of crime has been given broader implication by including property not only derived or obtained from the scheduled offence but also any property which may directly or indirectly be derived or obtained as a result of any criminal activity relatable to the scheduled offence.

24. Further, the "property" has been defined under Section 2(1)(v) which means any property or assets of every description, whether corporeal or incorporeal, movable or immovable, tangible or intangible and includes deeds and instruments evidencing title to, or interest in, such property or assets, wherever located.

25. The schedule has been defined under Section 2(1)(x) which means schedule to the Prevention of Money Laundering Act, 2002.

26. It is evident that the "scheduled offence" means the offences specified under Part A of the Schedule; or the offences specified under Part B of the Schedule if the total value involved in such offences is [one crore rupees] or more; or the offences specified under Part C of the Schedule.

27. The offence of money laundering has been defined under Section 3 of the Act, 2002 which reads as under: -

> "**3. Offence of money-laundering.**—Whosoever directly or indirectly attempts to indulge or knowingly assists or knowingly is a party or is actually involved in any process or activity connected with the [proceeds of crime including its concealment, possession, acquisition or use and projecting or claiming] it as untainted property shall be guilty of offence of money-laundering.
>
> [**Explanation**.— For the removal of doubts, it is hereby clarified that,—
>
> (i) a person shall be guilty of offence of money-laundering if such person is found to have directly or indirectly attempted to indulge or knowingly assisted or knowingly is a party or is actually involved in one or

more of the following processes or activities connected with proceeds of crime, namely:—

(a) concealment; or

(b) possession; or

(c) acquisition; or

(d) use; or

(e) projecting as untainted property; or

(f) claiming as untainted property, in any manner whatsoever;

(ii) the process or activity connected with proceeds of crime is a continuing activity and continues till such time a person is directly or indirectly enjoying the proceeds of crime by its concealment or possession or acquisition or use or projecting it as untainted property or claiming it as untainted property in any manner whatsoever.]"

28. It is evident from the aforesaid provision that "offence of money-laundering" means whosoever directly or indirectly attempts to indulge or knowingly assists or knowingly is a party or is actually involved in any process or activity connected with the proceeds of crime including its concealment, possession, acquisition or use and projecting or claiming it as untainted property shall be guilty of offence of money-laundering.

29. It is further evident that the process or activity connected with proceeds of crime is a continuing activity and continues till such time a person is directly or indirectly enjoying the proceeds of crime by its concealment or possession or acquisition or use or projecting it as untainted property or claiming it as untainted property in any manner whatsoever.

30. The punishment for money laundering has been provided under Section 4 of the Act, 2002.

31. Section 50 of the Act, 2002 confers power upon the authorities regarding summons, production of documents and to give evidence.

32. The various provisions of the Act, 2002 along with interpretation of the definition of "proceeds of crime" has been dealt with by the Hon'ble Apex Court in the case of ***Vijay Madanlal Choudhary and Ors. Vs. Union of India and Ors.***, reported in ***(2022) SCC OnLine SC 929*** wherein the Bench comprising of three Hon'ble Judges of the Hon'ble Supreme Court have decided the issue by taking into consideration the object and intent of the Act, 2002.

33. The predicate offence has been considered in the aforesaid judgment wherein by taking into consideration the explanation as inserted by way of Act 23 of 2019 under the definition of the "proceeds of crime" as contained under Section 2(1)(u), whereby and whereunder, it has been clarified for the purpose of removal of doubts that, the "proceeds of crime" include property not only derived or obtained from the scheduled offence but also any property which may directly or indirectly be derived or obtained as a result of any criminal activity relatable to the scheduled offence, meaning thereby, the words "any property which may directly or indirectly be derived or obtained as a result of any criminal activity relatable to the scheduled offence" will come under the fold of the proceeds of crime.

34. So far as the purport of Section 45(1)(i)& (ii) is concerned, the aforesaid provision starts from the non-obstante clause that notwithstanding anything contained in the Code of Criminal Procedure, 1973, no person accused of an offence under this Act shall be released on bail or on his own bond unless-

(i) 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.

35. Sub-section (2) thereof puts limitation on granting bail specific in sub-section (1) in addition to the limitations under the Code of Criminal Procedure, 1973 or any other law for the time being in force on granting of bail.

36. The explanation is also there as under sub-section (2) thereof which is for the purpose of removal of doubts, a clarification has been inserted that the expression "Offences to be cognizable and non-bailable" shall mean and shall be deemed to have always meant that all offences under this Act shall be cognizable offences and non-bailable offences notwithstanding anything to the contrary contained in the

Code of Criminal Procedure, 1973, and accordingly the officers authorised under this Act are empowered to arrest an accused without warrant, subject to the fulfilment of conditions under section 19 and subject to the conditions enshrined under this section

37. The fact about the implication of Section 45 has been interpreted by the Hon'ble Apex Court in ***Vijay Madanlal Choudhary and Ors. Vs. Union of India and Ors.***(supra) at paragraphs-285, 286 and 316. For ready reference, the said paragraphs are being referred as under:-

> *"**285**............The provision post the 2018 Amendment, is in the nature of no bail in relation to the offence of money laundering unless the twin conditions are fulfilled. The twin conditions are that there are reasonable grounds for believing that the accused is not guilty of offence of money laundering and that he is not likely to commit any offence while on bail.*
> ***286.*** *Considering the purposes and objects of the legislation in the form of the 2002 Act and the background in which it had been enacted owing to the commitment made to the international bodies and on their recommendations, it is plainly clear that it is a special legislation to deal with the subject of money laundering activities having transnational impact on the financial systems including sovereignty and integrity of the countries. This is not an ordinary offence. To deal with such serious offence, stringent measures are provided in the 2002 Act for prevention of money laundering and combating menace of money laundering, including for attachment and confiscation of proceeds of crime and to prosecute persons involved in the process or activity connected with the proceeds of crime. In view of the gravity of the fallout of money laundering activities having transnational impact, a special procedural law for prevention and regulation, including to prosecute the person involved, has been enacted, grouping*

> *the offenders involved in the process or activity connected with the proceeds of crime as a separate class from ordinary criminals. The offence of money laundering has been regarded as an aggravated form of crime "world over". It is, therefore, a separate class of offence requiring effective and stringent measures to combat the menace of money laundering.*
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> ***316.*** *As a result, we have no hesitation in observing that in whatever form the relief is couched including the nature of proceedings, be it under Section 438 of the 1973 Code or for that matter, by invoking the jurisdiction of the constitutional court, <u>the underlying principles and rigours of Section 45 of the 2002 Act must come into play and without exception ought to be reckoned to uphold the objectives of the 2002 Act, which is a special legislation providing for stringent regulatory measures for combating the menace of money laundering."</u>*

38. Subsequently, the Hon'ble Apex Court in the case of ***Tarun Kumar vs. Assistant Director Directorate of Enforcement, (2023) SCC OnLine SC 1486*** by taking into consideration the law laid down by the Larger Bench of the Hon'ble Apex Court in ***Vijay Madanlal Choudhary and Ors. Vs. Union of India and Ors. (supra)***, it has been laid down that since the conditions specified under Section 45 are mandatory, they need to be complied with. The Court is required to be satisfied that there are reasonable grounds for believing that the accused is not guilty of such offence and he is not likely to commit any offence while on bail.

39. It has further been observed that as per the statutory presumption permitted under Section 24 of the Act, the Court or the Authority is entitled to presume unless the contrary is proved, that in any proceedings relating to proceeds of crime under the Act, in the case of a person charged with the offence of money laundering under Section 3, such proceeds of crime are involved in money laundering. Such conditions enumerated in Section 45 of PML Act will have to be complied with even in respect of an application for bail made under Section 439 Cr. P.C. in view of the overriding effect given to the PML Act over the other law for the time being in force, under Section 71 of the PML Act. For ready reference, paragraph-17 of the said judgment reads as under:-

> "17. As well settled by now, the conditions specified under Section 45 are mandatory. They need to be complied with. The Court is required to be satisfied that there are reasonable grounds for believing that the accused is not guilty of such offence and he is not likely to commit any offence while on bail. It is needless to say that as per the statutory presumption permitted under Section 24 of the Act, the Court or the Authority is entitled to presume unless the contrary is proved, that in any proceedings relating to proceeds of crime under the Act, in the case of a person charged with the offence of money laundering under Section 3, such proceeds of crime are involved in money laundering. Such conditions enumerated in Section 45 of PML Act will have to be complied with even in respect of an application for bail made under Section 439 Cr. P.C. in view of the overriding effect given to the PML Act over the other law for the time being in force, under Section 71 of the PML Act."

40. The Hon'ble Apex Court in the said judgment has further laid down that the twin conditions as to fulfil the requirement of Section 45 of the Act, 2002 before granting the benefit of bail is to be adhered to which has been dealt with by the Hon'ble Apex Court in ***Vijay Madanlal Choudhary and Ors. Vs. Union of India and Ors***. ***(supra)*** wherein it has been observed that the accused is not guilty of the offence and is not likely to commit any offence while on bail.

41. In the judgment rendered by the Hon'ble Apex Court in ***Vijay Madanlal Choudhary and Ors. Vs. Union of India and Ors. (supra)*** as under paragraph-284, it has been held that the Authority under the 2002 Act, is to prosecute a person for offence of money-laundering only if it has reason to believe, which is required to be recorded in writing that the person is in possession of "proceeds of crime". Only if that belief is further supported by tangible and credible evidence indicative of involvement of the person concerned in any process or activity connected with the proceeds of crime, action under the Act can be taken forward for attachment and confiscation of proceeds of crime and until vesting thereof in the Central Government, such process initiated would be a standalone process.

42. The Hon'ble Apex Court in the case of ***Gautam Kundu vs. Directorate of Enforcement (Prevention of Money-Laundering Act), Government of India through Manoj Kumar, Assistant Director, Eastern Region***, reported in ***(2015) 16 SCC 1*** has been pleased to hold at paragraph -30 that the conditions specified under Section 45 of PMLA are mandatory and need to be complied with, which is further strengthened by the provisions of Section 65 and also Section 71 of PMLA.

43. Section 65 requires that the provisions of CrPC shall apply insofar as they are not inconsistent with the provisions of this Act and Section 71 provides that the provisions of PMLA shall have overriding effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force. PMLA has an overriding effect and the provisions of CrPC would apply only if they are not inconsistent with the provisions of this Act.

44. Therefore, the conditions enumerated in Section 45 of PMLA will have to be complied with even in respect of an application for bail made under Section 439 CrPC. That coupled with the provisions of Section 24 provides that unless the contrary is proved, the authority or the Court shall presume that proceeds of crime are involved in money-laundering and the burden to prove that the proceeds of crime are not involved, lies on the petitioner.

45. It needs to refer herein that while dealing with bail applications under UAP Act 1967, the Hon'ble Apex Court recently in the case of ***Gurwinder Singh Vs. State of Punjab and Anr.,*** reported in ***(2024) SCC OnLine SC 109***, has observed that the conventional idea in bail jurisprudence vis-à-vis ordinary penal offences that the discretion of Courts must tilt in favour of the oft-quoted phrase - 'bail is the rule, jail is the exception' - unless circumstances justify otherwise - does not find any place while dealing with bail applications under UAP Act and the 'exercise' of the general power to grant bail under the UAP Act is severely restrictive in scope. For ready reference, relevant paragraph of the said judgment is being referred as under:

> "28. The conventional idea in bail jurisprudence vis-à-vis ordinary penal offences that the discretion of Courts must tilt in favour of the oft-quoted phrase - 'bail is the rule, jail is the exception' - unless circumstances justify otherwise - does not find any place while dealing with bail applications under UAP Act. The 'exercise' of the general power to grant bail under the UAP Act is severely restrictive in scope. The form of the words used in proviso to Section 43D (5)- 'shall not be released' in contrast with the form of the words as found in Section 437(1) CrPC - 'may be released' - suggests the intention of the Legislature to make bail, the exception and jail, the rule."

46. The reason for making reference of this judgment is that in the case of ***Satender Kumar Antil vs. CBI and Anr***., ***(2022) 10 SCC 51,*** the UAPA has also been brought under the purview of category 'c' which also includes offence under PML Act 2002, the Hon'ble Supreme Court the bail has been directed to be granted if the investigation is complete but the Hon'ble Apex Court in ***Gurwinder Singh vs. State of Punjab and Anr. (supra)*** has taken the view by making note that the penal offences as enshrined under the provision of UAPA are also under category 'c' making reference that jail is the rule and bail is the exception.

47. Now adverting to the fact of the instant case it is evident that the Directorate of Enforcement initiated an investigation under the PMLA, 2002, by recording ECIR/RNZO/18/2022 on 21.10.2022. This was based on FIR No. 141/2022, registered on 04.06.2022 by the Bariatu Police Station, Ranchi, under Sections 420, 467, and 471 of the IPC. The predicate offense involved using forged documents to fraudulently obtain municipal holding numbers for a prime 4.55-acre parcel of land (M.S. Plot No. 557) in Morabadi, Ranchi, which has been in the continuous possession of the Indian Army since before independence.

48. The investigation has uncovered a deep-rooted criminal conspiracy by a land-grabbing syndicate. The syndicate's modus operandi involved manufacturing a fake, back-dated sale deed from 1932(Deed No. 4369) to create a false ownership claim for the Army-occupied land in the name of Prafulla Bagchi, father of accused Pradip Bagchi. This forged deed was then planted into the original registers at the office of the Registrar of Assurances, Kolkata. The forgery was confirmed by a committee appointed by the Registrar of Assurances, resulting in a separate FIR (No. 137 of 2023) in Kolkata.

49. Using this fraudulent foundation, the accused Pradip Bagchi executed a sale deed (No. 6888 of 2021) on 01.10.2021, transferring the property to M/s Jagatbandhu Tea Estate Pvt. Ltd., a company beneficially owned by co-accused Amit Kumar Agarwal. Although the sale deed reflected a consideration of ₹7 crores (against a government value of over 20 crores), investigation established that only 25 lakhs were actually paid.

50. It has been alleged in the prosecution complaint that the petitioner, Bhanu Pratap Prasad, who held the post of Revenue Sub-Inspector at the Circle Office, Bargain, was a key and active member of this organized racket. It has been further alleged that the investigation and the petitioner's own statement dated 23.04.2023 confirm his direct role in falsifying original land records and petitioner connived with other syndicate members to make fraudulent entries in Register-II for Khata no. 53, Mauja Gari, to create a fabricated ownership claim for another 4.83 acres in the name of Samrendra Chandra Ghoshal, a relative of Pradip Bagchi.

51. A search at the petitioner's private residence on 13.04.2023 led to the seizure of 17 original government land registers and voluminous official papers. It has been alleged that his illegal possession of these sensitive original registers outside the government office is a highly incriminating act, pointing directly to his central role in their concealment and manipulation, and constitutes an act of tampering with primary evidence.

52. Accordingly, the petitioner has been arrested and remanded in the instant case on 14.04.2023 and since then he is languishing in jail custody i.e., for about 2 years 07 months.

53. Admittedly, petitioner's first regular bail application (M.C.A. no. 2941/2023) was dismissed on its merits by the learned Special Judge, PMLA Cases, Ranchi, vide order dated 04.10.2023 and thereafter, the present petitioner preferred Misc. Cri. Application No. 1032 of 2025 for grant of bail before the Spl. Judge PML Cases Ranchi which was rejected vide order dated 11.06.2025 hence, the instant bail application.

54. Now coming to the grounds as has been raised on behalf of the learned counsel for the petitioner that even if the entire ECIR will be taken into consideration, no offence will be said to be committed so as to attract the ingredients of Sections 3 & 4 of the P.M.L. Act, 2002. Further ground has been taken that the allegation against the petitioner pertains to his purported assistance to other accused individuals. Further the prolong custody of petitioner and delay in conclusion of the trial has also been raised.

55. While on the other hand, Mr. Amit Kumar Das, learned counsel appearing for the respondent-E.D. has submitted that there is ample material surfaced in course of inquiry, based upon which, the prosecution report was submitted and hence, it cannot be said that there is no legal evidence. It has further been contended that it is settled proposition of law which has been settled by the Hon'ble Apex Court that the long incarceration or delay in trial alone cannot be ground to release the petitioner on bail, rather in case of scheduled offences/special offences the seriousness of the matter and the societal impact should be taken into consideration by the Court concerned while enlarging the petitioner on bail.

56. This Court, in order to appreciate the rival submission, is of the view that various paragraphs of prosecution complaint upon which the reliance has been placed on behalf of both the parties, needs to be referred herein so as to come to the conclusion as to whether the parameter as fixed under Section 45 of the PML Act 2002 is being fulfilled in order to reach to the conclusion that it is a fit case where regular bail is to be granted or not. The relevant paragraphs of prosecution complaint, which are being referred as under: -

<u>Brief detail of persons examined u/s 50(2) & (3) of PMLA</u>

8.12 Bhanu Pratap Prasad (Accused No.11)- Revenue Circle Inspector Bargai)

In his statement dated 16.04.2023, (RUD No. 62) the accused Bhanu Pratap Prasad disclosed that there is a fixed rate of bribe in circle offices and further stated that every month an amount of Rs 2 to 2.5 lakhs was collected and sent for the then DC, Ranchi, Mr. Chhavi Ranjan.

During his statement dated 23.04.2023 (RUD No. 64) reveals that he has connived with persons namely Bipin Singh and others in falsifying the original records of register II. He has stated that Bipin Singh who claimed himself to be the confidant of the ex-D.C Chhavi Ranjan and had proximities with other officials of Circle Offices used to visit Circle Offices regularly and had also managed to do several works at Circle Offices dropping names of ex-D.C, Chhavi Ranjan, once came to him with one person and took volume II of index II register. On page no. 139 of Khata no. 53, Plot no. 31, having area 8 decimals, Plot no. 32 having area 2.13 acres, Plot no. 33 having area 25 decimals, plot no. 35 having area 3 decimals, plot no. 36, having area 27 decimals, plot no. 38 having area 1.48 acres, plot no. 72 having area 24 decimals, plot no. 73 having area 35 decimals, the entries were forged and the records were falsified in name of Samrendra Chandra Ghoshal. The entries were falsified in page no. 132 of Gari Mauja- 194 entered in book II.

Investigation reveals that Samrendra Chandra Ghoshal is the father of Nilanjan Ghoshal who is son-in-law of Pradip Bagchi. Thus, a link between the group comprising of Pradip Bagchi, Afshar Ali, and other persons is established with Bhanu Pratap Prasad and it is established that he is also a member of the above organized racket which is habitually involved in forging original records of the lands and later disposing of them for acquiring the proceeds of crime.

His statement dated 23.04.2023 also reveals that in the year 2021, he had visited the Registrar of Assurances, Kolkata on the directions of Chhavi Ranjan, the ex-D.C, Ranchi for obtaining certified deeds of property measuring 3.81 acres at Bariyatu, Ranchi which were forged in name of Sarraswati Devi, mother of Lakhan Singh.

Investigation reveals that Lakhan Singh is one of the accomplices of the above accused persons on whose name several fake deeds have been prepared from Kolkata by Afshar Ali and others and have been sold to several persons. Investigation has also revealed that plot no. 891 & 893 which was about 1.32 acre out of the aforesaid 3.81 acres of land whose fake deeds were prepared by Afshar All and other accused were unblocked by the accused Chhavi Ranjan while misusing the post of ex-D.C and Registrar of Ranchi for which a bribe of Rs. 1 crore for the accused Chhavi Ranjan was given by Afshar Ali and Md. Saddam Hussain and collected by Prem Prakash. The said amount of Rs 1 crores meant for Chhavi Ranjan was adjusted from the sum of Rs 1.5 crores, receivable from Prem Prakash against the property situated at Cheshire Home Road, Ranchi.

During searches dated 13.04.2023 (RUD No. 24), seventeen original registers (index II/ पंजी II) were recovered from his possession at his residential premises. Investigation revealed that in volume I, Register II, several pages were intentionally left blank, however, while verifying corresponding records online, entries of certain entities were identified which was certainly one of the attempts to acquire and sell out certain parcels of land by entering fresh entries on those blank pages in the volume I of Register II. In his statement dated 23.04.2023 (RUD No. 64), he was confronted with those documents and the reasons for such online entries and corresponding blank pages in the original registers, but he could not provide satisfactory answers and tried to conceal the illegality committed by him.

57. It has come on record that during searches on 13.04.2023, seventeen original registers (index II/ पंजी II) were recovered from his possession at his residential premises (RUD No. 24).

58. It is evident from his statement dated 16.04.2023 that Bhanu Pratap Prasad disclosed that there is a fixed rate of bribe in circle offices and further stated that every month an amount of Rs 2 to 2.5 lakhs was collected and sent for the then DC, Ranchi, Mr. Chhavi Ranjan.

59. Further, during his statement dated 23.04.2023 (RUD No. 64) reveals that he has connived with persons namely Bipin Singh and others in falsifying the original records of register II. He has stated that Bipin Singh who claimed himself to be the confidant of the ex-D.C Chhavi Ranjan and had proximities with other officials of Circle Offices used to visit Circle Offices regularly and had also managed to do several works at Circle Offices dropping names of ex-D.C, Chhavi Ranjan, once came to him with one person and took volume II of index II register. On page no. 139 of Khata no. 53, Plot no. 31, having area 8 decimals, Plot no. 32 having area 2.13 acres, Plot no. 33 having area 25 decimals, plot no. 35 having area 3 decimals, plot no. 36, having area 27 decimals, plot no. 38 having area 1.48 acres, plot no. 72 having area 24 decimals, plot no. 73 having area

35 decimals, the entries were forged and the records were falsified in name of Samrendra Chandra Ghoshal.

60. Further, his statement dated 23.04.2023 also reveals that in the year 2021, he had visited the Registrar of Assurances, Kolkata on the directions of Chhavi Ranjan, the ex-D.C, Ranchi for obtaining certified deeds of property measuring 3.81 acres at Bariyatu, Ranchi which were forged in name of Sarraswati Devi, mother of Lakhan Singh.

61. Further, the investigation reveals that Lakhan Singh is one of the accomplices of the above accused persons on whose name several fake deeds have been prepared from Kolkata by Afshar Ali and others and have been sold to several persons. Investigation has also revealed that plot no. 891 & 893 which was about 1.32 acre out of the aforesaid 3.81 acres of land whose fake deeds were prepared by Afshar All and other accused were unblocked by the accused Chhavi Ranjan while misusing the post of ex-D.C and Registrar of Ranchi for which a bribe of Rs. 1 crore for the accused Chhavi Ranjan was given by Afshar Ali and Md. Saddam Hussain and collected by Prem Prakash. The said amount of Rs 1 crores meant for Chhavi Ranjan was adjusted from the sum of Rs 1.5 crores, receivable from Prem Prakash against the property situated at Cheshire Home Road, Ranchi.

62. From perusal of the prosecution complaint, it is evident that Role of the present petitioner in the alleged crime of money laundering has also been mentioned, for ready reference the relevant paragraph is being quoted as under:

> **11.Specific Roles of the Accused/Co-Accused/person abetting in the commission of offence of money laundering by directly/ indirectly attempts to indulge or knowingly assist or knowingly is a party or is involved in concealment/ possession/ acquisition or use in projecting or claiming proceeds of crime as untainted property in terms of section 3 of PMLA:**

Accused name and No.	**Role of accused**	**Proceeds of crime involved with the accused person**
Bhanu Pratap Prasad (accused no.11)	The accused was knowingly involved in activities connected to proceeds of crime including its acquisition, concealment, use and projecting proceeds of crime as untainted property. The accused person directly assisted the other accused persons in acquisition and concealment of the property situated at M.S Plot No 557, Mouza Morabadi, admeasuring 4.55 cares, acquired by the accused No 1,2 and 3. The accused was also a party in acquiring property at Khata no. 53, Plot no. 31, having area 8 decimals, Plot no. 32 having area 2.13 acres, Plot no. 33 having area 25 decimals, plot no. 35 having area 3 decimals, plot no. 36, having area 27 decimals, plot no. 38 having area 1.48 acres, plot no. 72	The accused was knowingly involved in activities connected to proceeds of crime including its acquisition, concealment, use and projecting proceeds of crime as untainted property. The accused person directly assisted the other accused persons in acquisition and concealment of the property situated at M.S Plot No 557, Mouza Morabadi, admeasuring 4.55 cares, acquired by the accused No 1,2 and 3. The accused was also a party in acquiring property at Khata no. 53, Plot no. 31, having area 8 decimals, Plot no. 32 having area 2.13 acres, Plot no. 33 having area 25 decimals, plot no. 35 having area 3 decimals, plot no. 36, having area

	having area 24 decimals, plot no. 73 having area 35 decimals in the name of Samrendra Chandra Ghoshal. Samrendra Chandra Ghoshal is the father of Nilanjan Ghoshal who is son-in-law of Pradip Bagchi, accused no. 5. Thus, the accused is a member of the above organized racket which is habitually involved in forging original records of thelands and later disposing them for acquiring the proceeds of crime. The accused visited Registrar of Assurances, Kolkata on the directions of the accused Chhavi Ranjan, the ex-D.C, Ranchi for obtaining certified deeds of property measuring 3.81 acres at Bariyatu, Ranchi which were forged in name of Saraswati Devi, mother of Lakhan Singh. Lakhan Singh is one of the accomplices of the above accused persons on whose name several fake deeds have been prepared from Kolkata by Afshar Ali and others and have been sold to several persons. Thus, the accused person was knowingly a party and assisted the other accused persons in activity connected with the proceeds of crime i.e. its acquisition, use and projecting and claiming the proceeds of	27 decimals, plot no. 38 having area 1.48 acres, plot no. 72 having area 24 decimals, plot no. 73 having area 35 decimals in the name of Samrendra Chandra Ghoshal. Samrendra Chandra Ghoshal is the father of Nilanjan Ghoshal who is son-in-law of Pradip Bagchi, accused no. 5. Thus, the accused is a member of the above organized racket which is habitually involved in forging original records of thelands and later disposing them for acquiring the proceeds of crime. The accused visited Registrar of Assurances, Kolkata on the directions of the accused Chhavi Ranjan, the ex-D.C, Ranchi for obtaining certified deeds of property measuring 3.81 acres at Bariyatu, Ranchi which were forged in name of Saraswati Devi, mother of Lakhan Singh. Lakhan Singh is one of the accomplices of the above accused persons on whose name several fake deeds have been prepared from Kolkata by Afshar Ali and others and have been sold to several persons. Thus, the accused person was knowingly a party and assisted the other accused persons in activity connected

	crime as untainted property. Thus, the accused person has committed the offence of money laundering under section 3 of PMLA, 2002 and is liable to be punished under section 4 of PMLA, 2002.	with the proceeds of crime i.e. its acquisition, use and projecting and claiming the proceeds of crime as untainted property. Thus, the accused person has committed the offence of money laundering under section 3 of PMLA, 2002 and is liable to be punished under section 4 of PMLA, 2002.

63. Thus from the aforesaid paragraph of the prosecution complaint it is evident that during investigation it has come on record that the accused person directly assisted the other accused persons in acquisition and concealment of the property situated at M.S Plot No 557, Mouza Morabadi, admeasuring 4.55 acres, acquired by the accused No 1,2 and 3. The accused was also a party in acquiring property at Khata no. 53, Plot no. 31, having area 8 decimals, Plot no. 32 having area 2.13 acres, Plot no. 33 having area 25 decimals, plot no. 35 having area 3 decimals, plot no. 36, having area 27 decimals, plot no. 38 having area 1.48 acres, plot no. 72 having area 24 decimals, plot no. 73 having area 35 decimals in the name of Samrendra Chandra Ghoshal. Samrendra Chandra Ghoshal is the father of Nilanjan Ghoshal who is son-in-law of Pradip Bagchi, accused no. 5.

64. Thus, from the aforesaid *prima facie* it appears that the petitioner/accused is a member of the organized racket/syndicate which is habitually involved in forging original records of the lands and later disposing them for acquiring the proceeds of crime.

65. Further it is revealed during the investigation that the petitioner/visited Registrar of Assurances, Kolkata on the directions of the accused Chhavi Ranjan, the ex-D.C, Ranchi for obtaining certified deeds of property measuring 3.81 acres at Bariyatu, Ranchi which were forged in name of Saraswati Devi, mother of Lakhan Singh. Lakhan Singh is one of the accomplices of the accused persons on whose name several fake deeds have been prepared from Kolkata by co-accused Afshar Ali and others and have been sold to several persons.

66. Thus, *prima facie* it appears that the accused person was knowingly a party and assisted the other accused persons in activity connected with the proceeds of crime i.e. its acquisition, use and projecting and claiming the proceeds of crime as untainted property.

67. It has further revealed in the investigation that the petitioner had received bribe amounting to several lacs of rupees against the assistance that he provided to the accused persons including Afshar Ali and others while holding the post of a government servant. During the course of search, payment receipt had been recovered from the mobile phone of Md. Saddam Hussain which reveals that

Bhanu Pratap Prasad received certain amount of money in lakhs as a commission. He used to receive a fixed sum of money in each mutation case. Thus, the role of the petitioner in the alleged commission of crime of money laundering is conspicuous and apparent.

68. The learned counsel for the petitioner has further contended that the case is based only on Section 50 statements therefore the implication of the petitioner in the instant case is not sustainable in the eye of law.

69. In the aforesaid context, it needs to refer herein that the three Judges Bench of the Hon'ble Apex Court in the case of ***Rohit Tandon vs. Directorate of Enforcement, (2018) 11 SCC 46*** has held that the statements of witnesses recorded by Prosecution-ED are admissible in evidence, in view of Section 50. Such statements may make out a formidable case about the involvement of the accused in the commission of the offence of money laundering.

70. In the instant case, it has been found that during the course of investigation from the statements recorded under Section 50 of the P.M.L.A that the petitioner had directly indulged, knowingly is as the party and is actually involved in all the activities connected with the offence of money laundering, i.e., use or acquisition, possession, concealment, and projecting or claiming as untainted property.

71. Further the culpability of the petitioner is not based only upon the statement recorded under Section 50 of the Act 2002, rather the petitioner's involvement is proved by many independent sources of evidence, such as seizure of 17 original land registers from petitioner's private residence, and also Call detail records (CDRs) showing regular contact with co-accused. Further the unlawful removal of the 17 original government land registers from the proper place itself indicates that these acts were done with full knowledge and intent to hide the true nature of tainted properties.

72. Further it requires to refer herein that the offence of money laundering under Section 3 of the PMLA is not limited to those who ultimately benefit from the crime. It also covers anyone who knowingly helps, or is a knowing party, in any process or activity connected with the proceeds of crime, including their concealment, possession, acquisition, or use.

73. Thus, on the basis of the aforesaid discussion the contention of the learned counsel for the petitioner that the culpability of the petitioner solely based upon the statement recorded under Section 50 of the Act 2002 is not fit to be accepted.

74. Further, the burden of proof is on the Petitioner until the contrary is proved, the same is observed in various judicial pronouncements and upheld in the case of ***Vijay Madanlal Choudhary (supra)***. Further in ***Rohit Tandon v.***

Directorate of Enforcement, (2018) 11 SCC 46, the Hon'ble Supreme Court has also observed that the provisions of section 24 of the PMLA provide that unless the contrary is proved, the authority or the Court shall presume that proceeds of crime are involved in money laundering and the burden to prove that the proceeds of crime are not involved, lies on the appellant.

75. Further, the offence of money laundering as contemplated in Section 3 of the PMLA has been elaborately dealt with by the three Judge Bench in ***Vijay Madanlal Choudhary (supra)***, in which it has been observed that Section 3 has a wider reach. The offence as defined captures every process and activity in dealing with the proceeds of crime, directly or indirectly, and is not limited to the happening of the final act of integration of tainted property in the formal economy to constitute an act of money laundering.

76. Further, it is settled proposition of law that if a person who is unconnected with the scheduled offence, knowingly assists the concealment of the proceeds of crime or knowingly assists the use of proceeds of crime, in that case, he can be held guilty of committing an offence under Section 3 of the PMLA.

77. In the instant case from the record, it is evident that the prosecution has established a strong prima facie case against the petitioner, supported by direct admissions, physical evidence, and the same was corroborated by the statements from co-accused.

78. The petitioner's deep and active involvement in the criminal conspiracy is evident during a search of the petitioner's private residences on 13.04.2023 wherein an unprecedented seizure was made of seventeen original government land registers (पंजी II) and voluminous loose official papers, which he had illegally removed from the Circle Office. Such an act by a public servant is not for "security," but is a direct attempt to tamper with and control primary evidence and further the substantial cash was also seized from his premises, directly linking him to the proceeds of crime.

79. In his own voluntary statement dated 16.04.2023, the petitioner admitted to his role in a larger system of corruption, stating that a fixed bribe of Rs.2 to 2.5 lakhs was collected every month and sent to the higher officials and the said statement has been corroborated by evidence of cash payments found in a diary seized from co-accused Imtiaz Ahmed.

80. Further from the prosecution complaint it is evident that the petitioner has failed to discharge the heavy burden of showing that there are reasonable grounds for believing that he is not guilty of the offence as on 13.04.2023 from the private residence of the petitioner an unprecedented seizure was made of seventeen original government land registers (पंजी II) and voluminous loose official papers, which he had illegally removed from the Circle Office.

81. Thus, the contention of the learned counsel for the petitioner that the petitioner has no role in the alleged commission of money laundering is not tenable in the eye of law.

82. So far as the issue of grant of bail under Section 45 of the Act, 2002 is concerned, as has been referred hereinabove, at paragraph412 of the judgment rendered in ***Vijay Madanlal Choudhary and Ors. Vs. Union of India and Ors. (supra),*** it has been held therein by making observation that whatever form the relief is couched including the nature of proceedings, be it under Section 438 or 439 of the 1973 Code for that matter, by invoking the jurisdiction of the Constitutional Court, the underlying principles and rigors of Section 45 of the 2002 must come into play and without exception ought to be reckoned to uphold the objectives of the 2002 Act, which is a special legislation providing for stringent regulatory measures for combating the menace of money-laundering.

83. Therefore, the conditions enumerated in Section 45 of P.M.L.A. will have to be complied with even in respect of an application for bail made under Section 439 Cr.P.C. That coupled with the provisions of Section 24 provides that unless the contrary is proved, the authority or the Court shall presume that proceeds of crime are involved in money laundering and the burden to prove that the proceeds of crime are not involved, lies on the appellant.

84. Further, it is evident from the judicial pronouncement as discussed above that in order to constitute any property as proceeds of crime, it must be derived or obtained directly or indirectly by any person as a result of criminal activity relating to a scheduled offence. The explanation clarifies that the proceeds of crime include property, not only derived or obtained from scheduled offence but also any property which may directly or indirectly be derived or obtained as a result of any criminal activity relatable to the scheduled offence. Section 2(1)(u) also clarifies that even the value of any such property will also be the proceeds of crime and in the instant case from perusal of paragraph of the prosecution complaint it is evident that the petitioner is not only involved rather his involvement is direct in procuring the proceeds of crime by way of connivance with the other accused persons.

85. Thus, from the record prima facie it appears that the petitioner, Bhanu Pratap Prasad, who held the post of Revenue Sub-Inspector at the Circle Office, Bargain, was an active member of land grabbing syndicate and further his claims of innocence are contradicted by the overwhelming evidence establishing his participation in the alleged crime of money laundering. It has come on record that the petitioner connived with syndicate members to make fraudulent entries in Register-II for Khata no. 53, Mauja Gari, to create a fabricated ownership claim for another 4.83 acres in the name of Samrendra Chandra Ghoshal, a relative of Pradip Bagchi.

86. It is admitted fact that a search at the petitioner's private residence on 13.04.2023 led to the seizure of 17 original government land registers and voluminous official papers. Thus, his illegal possession of these sensitive original registers outside the government office is a highly incriminating act, pointing directly to his role in their concealment and manipulation, and constitutes an act of tampering with primary evidence. Further the investigation has established that the petitioner was a beneficiary of the proceeds of crime as evidence from the mobile phone of co-accused Mohammad Saddam Hussain included noting of specific cash payments made to the petitioner. Further His deep nexus with the syndicate is further corroborated by Call Detail Records, which show 48 calls exchanged between him and co-accused Talha Khan.

87. Thus, *prima facie* it appears that the petitioner was not a passive official but part of the criminal conspiracy and he abused his public office to falsify records, conceal evidence, and gain illicit financial benefits, thereby playing a direct and active role in the commission of the offence of money laundering.

88. Thus, on the basis of the discussion made hereinabove the contention of the learned counsel for the petitioner that even if the entire ECIR will be taken into consideration, no offence will be said to be committed so as to attract the ingredients of Sections 3 & 4 of the P.M.L. Act, 2002, is totally misplaced in the light of accusation as mention in prosecution complaint.

89. So far as the issue of period of custody as agitated by learned counsel for the petitioner is concerned, it is settled proposition of law which has been settled by the Hon'ble Apex Court that the long incarceration (herein about 31 month) or delay in trial alone cannot be ground to release the petitioner on bail, rather in case of scheduled offences/special offences the seriousness of the matter and the societal impact should be taken in to consideration by the Court concerned while enlarging the petitioner on bail.

90. At this juncture, the learned counsel for ED has submitted at Bar that all endeavour will be taken to expedite the trial and now the ED has taken his all endeavour to examine the further witnesses and there is likelihood that witnesses will be examined and they will try to examine remaining witnesses expeditiously.

91. This Court is conscious with the fact that personal liberty is utmost requirement to maintain the individuality of the person concerned but at the same time it is equally settled that the balance between personal liberty and societal impact of the alleged offence should be taken care of by the Court concerned.

92. Further, the Hon'ble Apex Court while dealing with the offences under UAP Act 1967, in the case of ***Gurwinder Singh v. State of Punjab (supra)*** and taking in to consideration the ratio of judgment of ***Union of India vs. K.A. Najeeb, (2021) 3 SCC 713*** has observed that mere delay in trial pertaining to grave offences as one involved in the instant case cannot be used as a ground to grant bail, for ready reference the relevant paragraph is being quoted as under:

> *"46. As already discussed, the material available on record indicates the involvement of the appellant in furtherance of terrorist activities backed by members of banned terrorist organisation involving exchange of large quantum of money through different channels which needs to be deciphered and therefore in such a scenario if the appellant is released on bail there is every likelihood that he will influence the key witnesses of the case which might hamper the process of justice. Therefore, mere delay in trial pertaining to grave offences as one involved in the instant case*

> *cannot be used as a ground to grant bail. Hence, the aforesaid argument on behalf of the appellant cannot be accepted."*

93. Thus, on the basis of the aforesaid settled position of law it is evident that mere delay in trial pertaining to grave offences as one involved in the instant case cannot be used as a ground to grant bail.

94. Admittedly, the petitioner has been in judicial custody since 14.04.2023 but delay, under the aforesaid circumstances, does not entitle the petitioner to bail. The Hon'ble Supreme Court in ***Tarun Kumar v. Directorate of Enforcement, 2023 SCC OnLine SC 1486***, has authoritatively held that while the period of custody may be a relevant factor, it cannot by itself override the gravity of the offence, the seriousness of allegations or the statutory twin conditions under Section 45 of the Act 2002.

95. Further, the time already spent in custody alone is not a ground to grant bail in a serious economic offence. The Hon'ble Apex Court in **State of Bihar & Anr. v. Amit Kumar, (2017) 13 SCC 751**, has observed that the seriousness of the offence and the strength of evidence must be given more weight than the period of incarceration.

96. Similarly, in ***Satyendar Kumar Jain v. Directorate of Enforcement, 2024 SCC OnLine SC 317***, the Hon'ble Apex Court refused bail despite protracted proceedings.

97. Thus, given the grave nature of the allegations, the sophisticated modus operandi employed to project tainted property as untainted, and the strict statutory framework governing bail under the PMLA, no ground exists for the petitioner to claim the benefit of bail either on merits or on account of delay. The gravity of the offence, misuse of a high public office, and the serious allegations of facilitating the laundering of proceeds of crime continue to justify the petitioner's custody under the strict rigours of Section 45 of the Act 2002.

<u>Issue of Parity</u>

98. It has been contended that other several co-accused persons namely Pradip Bagchi (vide order dated 17.09.2025 passed in B.A. No. 6314 of 2025) and Chhavi Ranjan (vide order dated 10.10.2025 in Special Leave to appeal (Crl.) No.(s) 12137 of 2025) have been granted bail either by this Court or by the Hon'ble Supreme Court, therefore the present petitioner is also eligible for such liberty.

99. Per contra the learned counsel for ED has stated that the petitioner's plea for bail on the grounds of parity is wholly misplaced and untenable because the role of the petitioner is entirely distinct and far more egregious than that of the other co-accused who have been granted bail.

100. Now coming to the ground of parity as raised by the learned counsel for the petitioner, the law is well settled that the principle of parity is to be applied if the case on fact is exactly similar then only the principle of parity in the matter of passing order is to be passed but if there is difference in between the facts then the principle of parity is not to be applied.

101. It is further settled connotation of law that Court cannot exercise its powers in a capricious manner and has to consider the totality of circumstances before granting bail and by only simple saying that another accused has been granted bail is not sufficient to determine whether a case for grant of bail on the basis of parity has been established. Reference in this regard may be made to the judgment rendered by the Hon'ble Apex Court in ***Ramesh Bhavan Rathod vs. Vishanbhai Hirabhai Makwana & Anr., (2021) 6 SCC 230***, wherein, it has been held as under:

> *"**25.** We are constrained to observe that the orders passed by the High Court granting bail fail to pass muster under the law. They are oblivious to, and innocent of, the nature and gravity of the alleged offences and to the severity of the punishment in the event of conviction. In Neeru Yadav v. State of U.P. [Neeru Yadav v. State of U.P., (2014) 16 SCC 508 :] , this Court has held that while applying the principle of parity, the High Court cannot exercise its powers in a capricious manner and has to consider the totality of circumstances before granting bail. This Court observed : (SCC p. 515, para 17)*
>
> *"17. Coming to the case at hand, it is found that when a stand was taken that the second respondent was a history-sheeter, it was imperative on the part of the High Court to scrutinise every aspect and not capriciously record that the*

second respondent is entitled to be admitted to bail on the ground of parity. It can be stated with absolute certitude that it was not a case of parity and, therefore, the impugned order [Mitthan Yadav v. State of U.P., 2014 SCC OnLine All 16031] clearly exposes the non-application of mind. That apart, as a matter of fact it has been brought on record that the second respondent has been charge-sheeted in respect of number of other heinous offences. The High Court has failed to take note of the same. Therefore, the order has to pave the path of extinction, for its approval by this Court would tantamount to travesty of justice, and accordingly we set it aside.

26. *Another aspect of the case which needs emphasis is the manner in which the High Court has applied the principle of parity. By its two orders both dated 21-12-2020 [Pravinbhai Hirabhai Koli v. State of Gujarat, 2020 SCC OnLine Guj 2986] , [Khetabhai Parbatbhai Makwana v. State of Gujarat, 2020 SCC OnLine Guj 2988] , the High Court granted bail to Pravin Koli (A-10) and Kheta Parbat Koli (A-15). Parity was sought with Sidhdhrajsinh Bhagubha Vaghela (A-13) to whom bail was granted on 22-10-2020 [Siddhrajsinh Bhagubha Vaghela v. State of Gujarat, 2020 SCC OnLine Guj 2985] on the ground (as the High Court recorded) that he was "assigned similar role of armed with stick (sic)". Again, bail was granted to Vanraj Koli (A-16) on the ground that he was armed with a wooden stick and on the ground that Pravin (A-10), Kheta (A-15) and Sidhdhrajsinh (A-13) who were armed with sticks had been granted bail. The High Court has evidently misunderstood the central aspect of what is meant by parity. Parity while granting bail must focus upon the role of the accused. Merely observing that another accused who was granted bail was armed with a similar weapon is not sufficient to determine whether a case for the grant of bail on the basis of parity has been established. In deciding the aspect of parity, the role attached to the accused, their position in relation to the incident and to the victims is of utmost importance. The High Court has proceeded on the basis of parity on a simplistic* *assessment as noted above, which again cannot pass muster under the law."*

102. The Hon'ble Apex Court in ***Tarun Kumar Vs. Assistant Director Directorate of Enforcement (supra)*** wherein at paragraph-18, it has been held that parity is not the law and while applying the principle of parity, the Court is required to focus upon the role attached to the accused whose application is under consideration.

103. Now, this Court is adverting to the facts of instant case to decide the issue of parity in the backdrop of aforesaid settled legal ratio and as such thinks it fit to discuss herein distinguishable facts in the case of present petitioner to that of the case of co-accused persons who have been granted bail.

104. This Court, in order to verify the issue of principle of parity, has gone through the order by which, co-accused namely Pradip Bagchi has been enlarged on the bail and found that Pradip Bagchi is private man but the present petitioner being a public servant who gravely breached the trust reposed in him by the State.

105. This Court has also gone through the order dated 10.10.2025 passed by the Hon'ble Apex Court in Special Leave to appeal (Crl.) No.(s) 12137 of 2025 by which co-accused Chhavi Ranjan has been granted bail wherefrom it is evident that the Hon'ble Supreme Court by taking into consideration the period already spent by the said petitioner in custody, and without expressing any opinion on the nature of the allegations levelled against him has enlarged the said petitioner on bail.

106. This Court, in order to verify the issue of principle of parity of the present petitioner with the co-accused Chhavi Ranjan, this Court has gone through the order by which the said co-accused has been granted bail, and found that the distinguishing factors are as follows:

(i) As discussed in the preceding paragraph it is evident that the present petitioner had played active assistance providing illegal access to original records and assist in carrying out the forgeries and without his assistance the land fraud of this magnitude would not have been possible.

(ii) The gravity of an offence committed by a custodian of public records is of a significantly higher degree, therefore, he cannot claim parity with the said Co-accused Chhavi Ranjan.

107. Thus, in the present case, the petitioner's role is fundamentally different and far more serious. Unlike the co-accused individual Chhavi Ranjan, the present petitioner was directly in helm of revenue record and being Revenue Sub-Inspector petitioner has been entrusted with the custody of sensitive land records but he grossly misused his official position and violated the public trust. It has come on record that the petitioner played a key role in providing illegal access to official land records (Register-II), which enabled the syndicate to carry out large-scale land fraud, including the illegal acquisition of the of land. Prima facie it appears that he knowingly facilitated the alteration of Register-II to change the classification of a restricted property and accepted bribes for doing so. His duty with the said co-accused were not incidental rather he having direct and closest control of the said revenue record (register-II) therefore, his role cannot be equated with that of the other co-accused Chhavi Ranjan, and the claim of parity is without any merit.

108. Herein the petitioner systematically misused his official position as a Revenue Sub-Inspector and custodian of sensitive government records to facilitate a massive land scam and *prima facie* it appears that he provided the syndicate with illegal access to original land records and facilitated their forgery and manipulation, thereby enabling the fraudulent acquisition of high-value properties.

109. Further, it requires to refer herein that the Money Laundering is an economic offence and economic offences come under the grave offences, as has been held by the Hon'ble Apex Court in the case of ***Y. S Jagan Mohan Reddy Vs. C. B. I.,*** reported in ***(2013) 7 SCC 439***. For ready reference, the relevant paragraph of the aforesaid judgment is being quoted as under:

> "**34.** Economic offences constitute a class apart and need to be visited with a different approach in the matter of bail. The economic offences having deeprooted conspiracies and involving huge loss of public funds need to be viewed seriously and considered as grave offences affecting the economy of the country as a whole and thereby posing serious threat to the financial health of the country."

110. Similarly, the Hon'ble Apex Court in case of ***Nimgadda Prasad Vs. C.B.I.***, reported in ***(2013) 7 SCC 466*** has reiterated the same view in paragraph-23 to 25, which reads as under:

> "**23.** Unfortunately, in the last few years, the country has been seeing an alarming rise in white-collar crimes, which has affected the fibre of the country's economic structure. Incontrovertibly, economic offences have serious repercussions on the development of the country as a whole. In State of Gujarat v. Mohanlal Jitamalji Porwal [(1987) 2 SCC 364 : 1987 SCC (Cri) 364] this Court, while considering a request of the prosecution for adducing additional evidence, inter alia, observed as under: (SCC p. 371, para 5)
>
> "5. ... The entire community is aggrieved if the economic offenders who ruin the economy of the State are not brought to book. A murder may be committed in the heat of moment upon passions being aroused. An economic offence is committed with cool calculation and deliberate design with an eye on personal profit regardless of the consequence to the community. A disregard for the interest of the community can be manifested only at the cost of forfeiting the trust and faith of the community in the system to administer

justice in an even-handed manner without fear of criticism from the quarters which view white-collar crimes with a permissive eye unmindful of the damage done to the national economy and national interest."

24. While granting bail, the court has to keep in mind the nature of accusations, the nature of evidence in support thereof, the severity of the punishment which conviction will entail, the character of the accused, circumstances which are peculiar to the accused, reasonable possibility of securing the presence of the accused at the trial, reasonable apprehension of the witnesses being tampered with, the larger interests of the public/State and other similar considerations. It has also to be kept in mind that for the purpose of granting bail, the legislature has used the words "reasonable grounds for believing" instead of "the evidence" which means the court dealing with the grant of bail can only satisfy itself as to whether there is a genuine case against the accused and that the prosecution will be able to produce prima facie evidence in support of the charge. It is not expected, at this stage, to have the evidence establishing the guilt of the accused beyond reasonable doubt.

25. Economic offences constitute a class apart and need to be visited with a different approach in the matter of bail. The economic offence having deeprooted conspiracies and involving huge loss of public funds needs to be viewed seriously and considered as a grave offence affecting the economy of the country as a whole and thereby posing serious threat to the financial health of the country."

111. It is, thus, evident from the discussion made hereinabove that so far as the case of the present petitioner is concerned, the twin condition as provided under Section

45(1) of the Act, 2002 is not being fulfilled so as to grant the privilege of bail to the present petitioner.

112. For the foregoing reasons, having regard to the facts and circumstances, as have been analyzed hereinabove and particularly taking into consideration the serious nature of the offence, the strong evidence against the petitioner, and further taking into consideration the failure of applicant/petitioner to meet the conditions under Section 45 of the PMLA 2002 and considering the facts and parameters, this Court therefore does not find any exceptional ground to exercise its discretionary jurisdiction to grant bail.

113. Therefore, this Court is of the view that the bail application is liable to be rejected.

114. Accordingly, based upon the aforesaid discussion, this Court is of the view that the instant application is fit to be dismissed and as such, stands dismissed.

115. The observation/finding, as recorded hereinabove, is only for the purpose of consideration of issue of bail. The same will not prejudice the issue on merit in course of trial.

116. Pending interlocutory application(s), if any, also stands disposed of.

(Sujit Narayan Prasad, J.)

26/11/2025

Rohit/**A.F.R.**

Uploaded on: 28.11.2025