



2023INSC808

IN THE SUPREME COURT OF INDIA**CRIMINAL APPELLATE JURISDICTION****SPECIAL LEAVE PETITION (CrI.) No.7561 of 2023**

Bachhu Yadav

.... Petitioner(s)

Versus

Directorate of Enforcement Government
of India Represented by its Assistant
Director (PMLA) & Anr.

.... Respondent(s)

ORDER

1. The petitioner is before this Court assailing the order dated 5/21.03.2023 whereby the High Court of Jharkhand at Ranchi in Criminal Bail Application No.13289 of 2022 has rejected the prayer of the petitioner for bail. It is in that light, the petitioner is before this Court.

2. Heard Sh. Basant R., learned senior counsel for the petitioner, Sh. S.V. Raju, learned Additional Solicitor General for the respondent and perused the petition papers.

3. The instant bail application is filed by the petitioner in respect of the case registered in ECIR Case No. 04/2022 under Section 4 of the Prevention of Money Laundering Act, 2002 ('PMLA' for short). The said case is registered against the petitioner as well as the other accused. Insofar as the petitioner is concerned the allegation essentially is that the petitioner has involved himself in the transportation of 1844 trucks/vehicles carrying stone chips during the period 01.06.2022 to 26.06.2022. In that regard, it is alleged that on the scrutiny of his bank account it showed huge cash deposited, on 24.01.2022 amounting to Rs.30 lakhs. Thus, the respondents contending that the said amount is proceeds of crime, has included the petitioner as an accused in the instant case.

4. The learned senior counsel would contend that though the said amount was available in his bank account, considering the period during which the illegal activity is alleged against the petitioner, the

credit of Rs.30 lakh referred to is not during the said period but much earlier, on 24.01.2022 and as such the said amount cannot be classified as proceeds from crime. In that light, it is contended that the very inclusion of the name of the petitioner as an accused is not justified and in that light would contend that he is entitled to bail.

5. The learned Additional Solicitor General would however vehemently oppose the grant of bail. It is contended that the petitioner is a henchman of the main accused Pankaj Mishra who is indulging in large-scale illegal mining and the petitioner is aiding such illegal activities. In that regard, it is contended that the amount as indicated to be found in the account of the petitioner is only a part of such ill-gotten money and if the entire activities of illegal mining involving the petitioner, led by the said Pankaj Mishra is taken into consideration the amount would be to the extent of nearly 13 crores and as such the arrest of the appellant is justified and his custody is required to be continued.

6. In the light of the gist of the contentions noted above, we have perused the petition papers, but without adverting to much details at this stage since the basic facts required for considering an application for bail alone is to be noted without effecting the main contentions of

the parties to be put forth during trial. The basic allegation as made against the petitioner as noted is regarding the illegal activity during the period 01.06.2022 to 26.06.2022. Though the learned Additional Solicitor General with reference to the objection statement wherein details of the FIR filed in three other cases is referred to indicate the illegal activities in which the petitioner is involved, it is needless to mention that in the said cases the proceedings in any event would be taken against the petitioner to its logical conclusion.

7. In that background, keeping in view the allegation against the petitioner is of possessing the amount of Rs.30 lakh in his bank account, apart from the fact that the very allegation is that the said amount was deposited on 24.01.2022 which is prior to the period of illegal activity alleged, for the present there is an explanation as put forth by the petitioner during the course of investigation in answer to the specific question on being confronted with the account details in Jharkhand Gramin Bank, Bhagiamari Branch. The explanation is that the amount was deposited by him in respect of the transaction for purchase of house with land in Asansol for Rs.26 lakhs. It is further stated that the sum of Rs.26,00,024/- was transferred through NEFT to one Munmun Maji and it is stated that the said amount was the

sale consideration for the property. To enable transfer of the same, it had been deposited in the bank account. At the point of hearing this petition, it was stated across the bar that the sale has also been registered. Be that as it may, these are aspects which, in any event, would be looked at during the course of the trial.

8. Further, though the learned Additional Solicitor General has contended that the bail application filed by the main accused Pankaj Mishra has been dismissed by this Court on 26.04.2023 in Special Leave Petition (Criminal) No.4682 of 2023, it is seen that the application filed has in fact been withdrawn with liberty to file an application for interim bail on medical ground and also to file afresh bail application after six months. Be that as it may, in the instant facts, the nature of the allegation in the present proceedings has been taken note. In that circumstance, it is seen that the petitioner was arrested on 05.08.2022 and he has spent a little over one year of incarceration. The chargesheet is filed and the Trial Court having framed the charges, no doubt has started the trial and it is stated across the bar that five witnesses have been examined but it is also stated that in all 42 witnesses are cited to be examined. In that circumstance, taking into consideration all aspects of the matter and

also making it subject to the condition that the petitioner shall diligently participate in the trial without interfering in the course of justice and also complying with the other appropriate conditions to be imposed by the trial court, the prayer is accepted.

9. Hence, we direct that the petitioner be enlarged on bail subject to appropriate conditions being imposed by the trial court and the petitioner diligently adhering to such conditions, as also not being required in any other case. For the purpose of imposition of such conditions and issue of release order the petitioner shall be produced forthwith before the trial court. The petition is disposed of, in the above terms.

10. Pending application, if any, shall stand disposed of.

.....**J.**
(A.S. BOPANNA)

.....**J.**
(PRASHANT KUMAR MISHRA)

New Delhi,
September 06, 2023

(NON-REPORTABLE ORDER)

ITEM NO.1501

COURT NO.7

SECTION II-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s). 7561/2023

(Arising out of impugned final judgment & order dated 5/21-03-2023 in BA No. 13289/2022 passed by the High Court Of Jharkhand At Ranchi)

BACHHU YADAV

Petitioner(s)

VERSUS

DIRECTORATE OF ENFORCEMENT GOVERNMENT OF INDIA REPRESENTED BY ITS ASSISTANT DIRECTOR(PMLA) & ANR.Respondent(s)

(IA No. 118882/2023 - EXEMPTION FROM FILING O.T.)

Date : 06-09-2023 These matters were called on for pronouncement of non-reportable Order today.

For Petitioner(s) Mr. Basant R. Sr. Adv.
Mr. Prem Prakash, AOR
Mr. Anil Kumar, Adv.
Mr. Abhijit Bhatnagar, Adv.
Ms. Aishvarya, Adv.
Ms. Deepali Nanda, Adv.

For Respondent(s) Mr. S.V. Raju, Sr. Adv.
Mr. Mukesh Kumar Maroria, AOR
Mr. Zoheb Hussain, Adv.
Mr. Annam Venkatesh, Adv.
Mr. Rajat Nair, Adv.

Mr. Vishnu Sharma, Adv.
Ms. Madhusmita Bora, AOR
Mr. Dipankar Singh, Adv.
Mrs. Anupama Sharma, Adv.
Mr. Amar Jyoti Sharma, Adv.

Hon'ble Mr. Justice A.S. Bopanna pronounced the non-reportable ORDER of the Bench comprising His Lordship and Hon'ble Mr. Justice Prashant Kumar Mishra.

The operative part of the order reads as hereunder;

"We direct that the petitioner be enlarged on bail subject to appropriate conditions being imposed by the trial court and the petitioner diligently adhering to such conditions, as also not being required in any other case. For the purpose of imposition of such conditions and issue of release order the petitioner shall be produced forthwith before the trial court."

The petition is disposed of in terms of the signed order. Pending application(s), if any, shall also stand disposed of.

(NISHA KHULBEY)
SENIOR PERSONAL ASSISTANT

(DIPTI KHURANA)
ASSISTANT REGISTRAR

(Signed non-reportable order is placed on the file)