

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Criminal Appeal (DB) No. 2168 of 2023

1. **Sushila Devi**, W/o Binod Kumar Ganjhu @ Binod Kumar Ganjhu, R/o Vill- Masilong, P.O. & P.S.- Tandwa, Dist.- Chatra.
- 2a. **Savitri Devi**, W/o Late Vishwakarma Ganjhu, R/o Vill- Masilong, P.O.- Raham Tandwa, P.S.- Tandwa, Dist.- Chatra.
- 2b. **Ms. Binita Kumari**, D/o Late Vishwakarma Ganjhu, R/o Vill- Masilong, P.O.- Raham Tandwa, P.S.- Tandwa, Dist.- Chatra.
- ... **Appellants**

Versus

1. Union of India through NIA.
2. The Secretary, Government of India, Ministry of Home Affairs, CTCR Division, North Block, P.O.- North Block, P.S.- Khan Market, New Delhi.

... **Respondents**

**CORAM: HON'BLE MR. JUSTICE RONGON MUKHOPADHYAY
HON'BLE MR. JUSTICE ARUN KUMAR RAI**

For the Appellants : Mr. Balaji Srinivasan, Adv.
For the NIA : Mr. Amit Kr. Das, Sr. Adv.

Dated : 05 / 08 /2026

Per Rongon Mukhopadhyay, J. :

1. Heard Mr. Balaji Srinivasan, learned counsel for the appellants and Mr. Amit Kumar Das, learned senior counsel for the NIA.
2. This appeal is directed against the order dated 18.07.2023 passed by learned A.J.C.-XVI-cum-Special Judge, NIA, Ranchi in connection with Special

(NIA) Case No. 03/2018 corresponding to R.C. No. 06/2018/NIA/DLI arising out of Tandwa P.S. Case No. 02/2016, whereby and whereunder, the appeal preferred against the order of attachment dated 26.03.2019 by the Designated Authority has been dismissed. Since during the pendency of this appeal, the original appellant no. 2 had died, he has been substituted by his legal heirs vide order dated 30.07.2026.

3. A written report was submitted by Ramdhari Singh, Sub Inspector of Police, posted at Simaria P.S. to the effect that on 10.01.2016, a secret information was received by the Superintendent of Police that in Amrapali Magadh Coal area in Tandwa some local people have formed an association which is related to the banned extremist outfit TPC. The members of such association were extracting levy from coal traders and DO holders by creating fear in the name of the extremists of TPC, namely Gopal Singh Bhokta @ Brijesh Ganjhu, Mukesh Ganjhu, Kohram Ji, Akraman Ji @ Ravindra Ganjhu, Anischay Ganjhu, Bhikan Ganjhu, Deepu Singh @ Bhikan and Bindu Ghanju. It was also alleged that if any businessmen hesitate to pay levy, they are threatened by members of such organization and are also subjected to hardships. In order to verify the truthfulness or otherwise of such information a raiding party was constituted on the orders of Superintendent of Police, Chatra. A raid was conducted in the house of the President of the association Binod Kumar Ganjhu and from under his bed as well as from an almirah Rs. 91,75,890/- was recovered. No satisfactory explanation could be submitted by Binod Kumar Ganjhu with respect to the recovery of such a huge amount of cash. From the house of Binod Kumar Ganjhu two persons were also apprehended

who disclosed their names as Birbal Ganjhu and Munesh Ganjhu and on search of their persons a loaded Mauser pistol was recovered from the possession of Birbal Ganjhu while from the possession of Munesh Ganjhu a country made pistol and two live cartridges were recovered. Both had confessed of being associated with TPC organization. Binod Ganjhu had disclosed that he is the President of “Magadh Sanchalan Samittee” and the levy collected is sent to Gopal Singh Bhogta @ Brijesh Ganjhu and thereafter it is distributed between Mukesh Ganjhu, Kohramji, Akramanji @ Ravindra Ganjhu, Anischyaji, Bhikan Ganjhu and Deepu Singh @ Bhikan. He had further disclosed that Bindu Ganjhu is a member of “Amrapali Sanchalan Samittee” who collects levy on behalf of TPC and since he is at present in jail the collection of levy is being done by Pradeep Ram. On such information a raid was conducted in the house of Pradeep Ram and from under his bed as well as from an almirah Rs. 57,57,710/- in cash was recovered. No satisfactory explanation could be given by Pradeep Ram with respect to the cash recovered.

4. Based on the aforesaid allegations Tandwa P.S. Case No. 02 of 2016 was instituted for the offences under Sections 414, 384, 386, 387, 120B of the I.P.C., Section 25(1-b)(a), 26/35 of the Arms Act and Section 17 (1)(2) of Criminal Law Amendment Act against Binod Kumar Ganjhu, Munesh Ganjhu, Pradeep Ram, Birbal Ganjhu, Gopal Singh Bhokta @ Brijesh Ganjhu, Mukesh Ganjhu, Kohramji, Akramanji @ Ravindra Ganjhu, Anischya Ganjhu, Deepu Singh @ Bhikan, Bindu Ganjhu @ Bindeshwar Ganjhu and Bhikan Ganjhu. On 10.03.2016 charge sheet was submitted against the other accused persons before the learned Chief Judicial Magistrate,

Chatra. On 09.04.2017 on the prayer made by the Investigating Officer offences under Sections 16, 17, 20 and 23 of the Unlawful Activities (Prevention) Act, 1967 (herein after referred to as the UAP Act for the sake of brevity) were added. Since the offences involved a scheduled offence, in exercise of powers conferred u/s 6(3) read with Section 8 of the National Investigation Agency, Act 2008, the Central Government vide order dated 13.02.2018 had directed the National Investigation Agency to take up the investigation of the case consequent to which Tandwa P.S. Case No. 02 of 2016 was re-registered as NIA Case No. RC06/2018/NIA/DLI. The first supplementary charge sheet bearing Charge Sheet No. 32/2018 was filed by the NIA on 21.12.2018.

5. In course of raid, cash of Rs. 91,75,890/- was seized from the house of Binod Ganjhu and no explanation was furnished by him with respect to such recovery. In course of investigation mobile and immovable properties in the name of Binod Ganjhu and his family members were seized which include 26 decimals of land at Khata no. 04 at Mauza Mashilong, Holding No. 4, Tauzi No. 28, Thana No. 0061 consisting of a double storeyed building in the name of Bhaukri Devi, mother of Binod Kumar Ganjhu, a two-wheeler of TVS Company in the name of Sushila Devi, wife of Binod Kumar Ganjhu and the appellant no. 1 in the present appeal, one Scorpio vehicle and one JCB Loader in the name of Vishwakarma Ganjhu, the brother of Binod Kumar Ganjhu and the original appellant no. 2 in the present appeal. An order was passed by the Designated Authority under the Unlawful Activities (Prevention) Act, 1967 on 26.03.2019 attaching the properties on being prima facie satisfied that the properties in question were

acquired from the proceeds of crime. The order of attachment of the Designated Authority was challenged by the appellants in Criminal Appeal No. 74/2020 which was dismissed on 18.07.2023 and which is the order impugned to the present appeal.

6. It has been submitted by Mr. Balaji Srinivasan, learned counsel for the appellant that the learned trial court has relied upon the allegation made in the supplementary charge sheet against Binod Ganjhu and has presumed that all three properties are from proceeds of terrorism purchased and owned by Binod Ganjhu. So far as the scooty is concerned, Registration Certificate is in the name of the appellant no. 1, who is an employee of C.C.L. drawing a salary of Rs.82,000/- per month. The said scooty was purchased by the appellant no. 1 on 20-12-2018, i.e., 02 years after a raid was conducted at her Winglet house and 04 days after the NIA took over investigation. It has been submitted that so far as the JCB Loader is concerned, the same has been purchased by the original appellant no. 2 from his self-acquired income and loan from SREI Equipment Finance Limited. A receipt showing deposit of monthly installment of Rs.82,000/- is itself a proof of the legitimate manner of purchase of the JCB Loader. The original appellant no. 2 is an agriculturist and there is no link that the said JCB Loader was used for any activity linked with terrorism or to any activity connected with Binod Ganjhu. It has been submitted that the said JCB Loader was purchased from the independent source of income of the original appellant no. 2. Mr. Srinivasan, learned counsel for the appellant with respect to the attachment of the two-storeyed building is concerned has submitted that the same is a joint family property and the

land is still in the name of Bhaukri Devi, the mother of Binod Ganjhu as it was purchased in the name of Bhaukri Devi by her husband vide sale deed dated 18-12-1990. The joint family property cannot be designated as proceeds of crime and some of the legal heirs are not even accused in the case, but are suffering from the vagaries of the order of attachment. It has been submitted that the appellants are not accused and only on they being related to Binod Ganjhu, the properties have been attached. There is no finding or application of mind either in the order of the Designated Authority or in the order confirming the attachment by the learned trial court.

7. Mr. Amit Kumar Das, learned senior counsel appearing for the NIA has submitted that the ownership of the original appellant no. 2 over the JCB Loader is not in dispute, but the transaction in purchasing the same is wrapped in a cloud of suspicion. The original appellant no. 2 has not produced any documentary evidence to demonstrate his income, source of livelihood, financial resources, income tax records, bank statement, loan sanction documents, repayment schedule, proof of regular EMI payments or any other record establishing that the vehicle has been purchased from legitimate funds generated through legal means. The only document relied upon by the original appellant no. 2 is a photocopy of a money receipt purportedly showing deposit of an amount of installment before the finance company. So far as the attachment of land and house is concerned, it has been submitted that though the land was purchased in the year 1990, but the double storeyed building existing in the said land is from the proceeds of crime and the said building was occupied by Binod Ganjhu and his family members. The

appellants have failed to produce any documentary evidence relating to construction of the double storeyed building and the source of funds used in such construction. The other details relating to the construction have also been conveniently bypassed by the appellants. Mr. Das, learned senior counsel has further submitted that the appellant no. 1 is the wife of Binod Ganjhu and there is reason to believe that the scooty purchased by her was from the proceeds of terrorism. The learned trial court has rightly dismissed the appeal preferred against the order of attachment passed by the Designated Authority and, therefore, no interference is necessitated in the impugned order dated 18-07-2023.

8. We have heard the learned counsel for the respective parties and have also perused the affidavits on record.

9. The three properties which have been attached by the Designated Authority and confirmed by the learned trial court includes a scooty registered in the name of the appellant no. 1, a JCB Loader purchased by the original appellant no. 2 on loan and the purported joint family property having a two-storeyed building standing on the land which was purchased in the year 1990 by the father of Binod Ganjhu in the name of Bhaukri Devi, the mother of Binod Ganjhu.

10. So far as the TVS scooty bearing Registration No. JH13E8034 is concerned, the same is registered in the name of the appellant no. 1. The appellant no. 1 is an employee of Central Coalfields Limited and drawing a handsome salary. The purchase of the scooty cannot be said to be from the proceeds of crime on account of the self-acquired financial prowess of the appellant no. 1 and merely because the appellant no. 1 is the wife of Binod

Ganjhu, the same would not persuade the court to subscribe to the contention of the NIA that the scooty was purchased from the proceeds of terrorism. The necessary documents relating to the ownership of the appellant no. 1 over the scooty had been produced by the appellant no. 1 and only on account of the absence of the mode of transaction which has been the primary focus of the learned trial court, such claim of the appellant no. 1 cannot be negated. The impugned order dated 18-07-2023 so far as the scooty is concerned, deserves to be set aside.

11. As regards, the JCB Loader is concerned, the original appellant no. 2 has merely furnished a document showing deposit of Rs.82,000/- as installment to the finance company. A JCB Loader has a substantial price tag attached with it and the source of funding such a costly vehicle has not been furnished by the original appellant no. 2. No document relating to the financial capability or the source of funds have been produced by the original appellant no. 2 and, therefore, it can be construed that the JCB Loader was purchased through proceeds of terrorism.

12. The other property attached is a double storeyed building which is situated on a land which stands in the name of the mother-in-law of the appellant no. 1 and mother of the original appellant no. 2. There is a total dearth of evidence that the house which was constructed was from a legitimate source of income. Even the basic requirements for constructing a house by way of obtaining sanction of building plan, permission of the concerned authorities and other necessities have not been furnished by the appellants. Merely contending that the property is a joint family property in the name of the mother of the original appellant no. 2 would not give the property a

legitimacy in the backdrop of vague and unsubstantiated claims made by the appellants. The learned trial court was correct in rejecting the claim of the appellants so far as the attachment of the land and the building is concerned.

13. Thus, in view of the aforesaid discussions, we hereby set aside that part of the order dated 18-07-2023 passed in Criminal Appeal No. 74/2020 wherein the attachment order dated 26-03-2019 so far as the TVS scooty bearing Registration No. JH13E8034 has been confirmed with a direction to release the scooty in favor of the appellant no. 1 on verification of the identity of the appellant no. 1. So far as the rest two properties are concerned, we do not find any reason to interfere in the impugned order dated 18-07-2023 and consequently, we affirm the order confined to the said properties.

14. This appeal is disposed of.

15. Pending I.A.(s), if any, stands closed.

(RONGON MUKHOPADHYAY, J.)

(ARUN KUMAR RAI, J.)

Dated: 05th August, 2026

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Uploaded on: 10 / 08 / 2026.