IN THE HIGH COURT OF JHARKHAND AT RANCHI
B.A. No. 8815 of 2026

Shiva Kumar Deora @ Shiva Ratan Deora, aged about 53 years S/o Late Nand Kishore Deora, resident of Swarnamani Complex, Tower Zarina, 2nd Floor, Flat 2ZB, 33A, Canal Circular Road, Near Bengal Chemical Metro, P.O.-Maniktala, P.S.-Kankurgachi, District-Kolkata, West Bengal-700054.

... ... Petitioner

Versus

Union of India, through Directorate of Enforcement, Ranchi Zonal Office, Plot No.1502/B, Airport Road, Hinoo, Ranchi, P.O. + P.S. Doranda, Dist. – Ranchi, Jharkhand-834002

... ... Opposite Party

CORAM: HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD

For the Petitioner : Mr. Vinay Prakash, Advocate
Mr. Niranjan Kumar, Advocate
For the Opp. Party : Mr. Amit Kumar Das, Senior Advocate
Mr. Saurav Kumar, Advocate

C.A.V. on 28/10/2026 ***Pronounced on 18 /11/2026***

Prayer:

1. The instant application has been filed under Sections 483 and 484 of the Bhartiya Nagrik Suraksha Sanhita, 2023 read with Section 45 of Prevention of Money Laundering Act, 2002 praying for grant of regular bail in connection with ECIR Case No. 05 of 2025 arising out of ECIR No. ECIR/RNZO/18/2024 dated 23.09.2024 for the offence under Sections 3, punishable under Section 4 of the Prevention of Money Laundering Act, 2002 [hereinafter referred to as PML Act, 2002], pending in the court of learned Special Judge, P.M.L. Act, Ranchi.

Factual Matrix of the Case

2. An ECIR bearing No. ECIR/RNZO/18/2024 was recorded on 23.09.2024 based on the Complaint Case Nos.678 of 2024, 1280 of 2024 and 1281 of 2024 before the learned Court of Economic Offences, Jamshedpur against the petitioner and other persons.

3. Subsequently, the prosecuting agency, i.e., the Directorate of Enforcement while observing that Sections 420, 467 and 471 of the Indian Penal Code are scheduled offences under Part-A, Paragraph 1 of the PML Act, 2002 initiated the investigation under PML Act, 2002 by registering Enforcement Case Information Report having ECIR bearing No. ECIR/RNZO/18/2024 dated 23.09.2024.

4. As per aforesaid three complaint cases, it is revealed that a syndicate is operational in Jharkhand, West Bengal, Delhi and other States of the Country, Syndicate is indulged in creation, operation and management of fake companies / firms for passing on ineligible ITC (Input Tax Credit) by issuing fake GST bills, without actually delivering the related goods and services and the persons namely Shiva Kumar Deora(present petitioner) Sumit Kumar Gupta and Amit Kumar Gupta are a part of the said syndicate who are knowingly a party with each other and or directly involved in illegal activities of creation of fake companies / firms in the name of various dummy directors/ proprietors

in order to avail and pass on ITC to several end beneficiaries in lieu of money, which are proceeds of crime. Further, it has been stated in the complaints that several bogus GST invoices have been generated in Delhi and have traveled to Jharkhand via West Bengal in three to four layers.

5. A portion of these bogus ITCs have also been transferred to other states such a Tamil Nadu, Telangana, Andhra Pradesh, Maharashtra and Odisha and bogus ITC claims have also been taken on the basis of the said fake invoices.

6. As per aforesaid complaint case Shiva Kumar Deora (present petitioner) is the mastermind behind the said fraud committed of availing ITC on the strength of bogus invoices, by way of creation of multiple companies/firms in the name of innocent persons. They hired innocent and needy persons in the name of job at the renumeration of Rs. 10,000/- to 15,000/- per month and they were not required attend the office daily. They were asked to provide OTP and PIN, whenever required by them. Subsequently, fake firms and companies were floated in the name of those innocent needy persons after using their identity, documents, without their knowledge or consent.

7. Further, it is also revealed that Sumit Kumar Gupta, the accomplice of present petitioner worked as an

office staff member on his instructions for creating DSCs, rent agreements for various firms and companies for which, he was initially paid a monthly salary of Rs. 30,000/-.

8. The Petitioner and his accomplices namely Amit Kumar Gupta and Sumit Kumar Gupta are beneficial owners of total 135 shell companies/firms which are floated in names of various dummy directors and by these firms they availing fake ITC to the tune of Rs. 750 crores (Approx) and passed them to several end beneficiaries thereby causing significant loss to the government exchequer.

9. From the analysis of aforesaid complaints as filed by DGGI, Jamshedpur, it is revealed that an FIR was registered against Tutui Debnath, Sumi Shaw and Amit Agarwal @ Vicky Bhalotia.

10. The Co-accused-Amit Agarwal @ Vicky Bhalotia is also one of the accomplices of main mastermind Shiva Kumar Deora (present petitioner) who also works on similar modus in availing fake ITC on strength of bogus invoices.

11. From the contents of the complaints filed by the DGGL Jamshedpur, it is revealed that the present petitioner is one of the prominent members of the syndicate who is the mastermind behind the said fraud of availing ITC on strength of bogus invoices, by way of creation of multiple companies/firms in name of innocent persons. It is revealed that the present petitioner and his accomplices

namely Amit Kumar Gupta and Sumit Kumar Gupta adopted systematic modus for claiming ineligible ITC by way of first identifying poor and needy people and then luring them in name of jobs in their offices. They were hired at Rs. 10,000 to 15,000 per month and were not required to attend the office daily. Instead, they were asked to provide OTP's and PINs, whenever required by Shiva Kumar Deora (present petitioner) and his two accomplices. Subsequently, fake firms and companies were floated in their names using their identity documents, without their knowledge or consent.

12. Further, it is revealed that Sumit Kumar Gupta, the accomplices of the petitioner worked as an office staff member on his instructions for creating DSCs, rent agreements, and assisting in opening bank accounts and obtaining lease licenses, for various firms and companies for which, he was initially paid a monthly salary of Rs 30,000/-.

13. Further, from the analysis of materials gathered during investigation, it is revealed that the petitioner and his accomplice namely Amit Kumar Gupta and Sumit Kumar Gupta are beneficial owners of total 135 shell companies/firms which are floated in names of various dummy directors. Through the network of the said 135 fake firms/companies floated by Shiva Kumar Deora, Amit

Kumar Gupta and Sumit Kumar Gupta, they availed fake ITC to the tune of Rs. 750 crores (approx.) and passed them to various end beneficiaries thereby causing a significant loss to the government exchequer.

14. It is stated that abovesaid Shiva Kumar Deora is one of the directors in seven companies through which, he has availed the fake ITC worth Rs.55.83 crores.

15. During the course of investigation, it has come that the present petitioner has received direct cash amounting Rs.74,60,878 in different bank accounts during between 2020 to 2024.

16. The petitioner was arrested on 08.05.2025, from the residential house at Kolkata, subsequent to the issuance of summons under section 50 of the PML Act which has been served at the petitioner's residence requiring the petitioner to appear in person for the recording of his statement**.** The petitioner was provided Memo of arrest, grounds of arrest and "reasons to believe".

17. The petitioner was produced before the learned Court of Chief Judicial Magistrate, Calcutta along with other co-accused, namely, Mohit Deora and Amit Kumar Gupta at 10:10 PM on the same day by filing Remand Petition, seeking transit remand of the petitioner and vide order dated 08.05.2025, the same was allowed by the learned Chief Judicial Magistrate, Calcutta.

18. Thereafter, the present petitioner preferred Misc. Cri. Application No. 1243 of 2025 for grant of bail which was rejected, vide order dated 15.07.2025 by the learned Spl. Judge, PML Act, Ranchi.

19. Thereafter, the petitioner, against the order dated 15.07.2025, preferred bail application before this Court being B.A. No. 8570 of 2025 which was dismissed vide order dated 12.11.2025 by passing a detailed order.

20. Thereafter, the petitioner has moved before the Hon'ble Supreme Court by filing Special Leave Petition being S.L.P. (Diary) No. 43801 of 2026 which was also dismissed vide order dated 07.08.2026.

21. Thereafter, the present petitioner again preferred Misc. Cri. Application No. 1920 of 2026 for grant of bail before the Special Judge which was rejected, vide order dated 22.08.2026 by the learned Spl. Judge, PMLA Cases, Ranchi, hence, the instant bail application.

Argument advanced by learned counsel for the petitioner:

22. The learned counsel appearing for the petitioner has argued *inter alia* on the following grounds:

I. The petitioner is quite innocent and has falsely been implicated in this case with oblique motive and *mala fide* intention to harass the petitioner.

II. The petitioner has duly cooperated with the investigation agency and further as and when

required he appeared before the concerned agency despite that he has been arrested in the present case.

III. It has been contended that no attributability is available from commission of offence said to be there attracting ingredient under **Sections 3 and 4** of PML Act, 2002.

IV. The petitioner has no antecedent and no other criminal proceeding is pending against him. The petitioner has been cooperating with the ongoing investigation inquiries conducted by the prosecution and undertakes to continue doing so.

V. Further, it has been contended that there is no allegation said to be committed so as to attract the offence under Section 3 of the PML Act since there is no allegation of laundering of money against the petitioner.

VI. It has been contended that the co-accused, namely, Mohit Deora, has already been enlarged on bail vide order dated 17.07.2026 passed by the Hon'ble Supreme Court in SLP (Crl.) No. 2872 of 2026. Therefore, on the ground of parity, the petitioner is also entitled to the grant of bail, particularly when the case of the petitioner stands on similar footing and no distinguishing circumstances warranting a

different treatment exist. Accordingly, the petitioner deserves to be extended the privilege of bail on the principle of parity.

VII. Learned counsel has further submitted that the petitioner is in custody since 08.05.2025 i.e., approximately one and a half year, therefore in view of the custody of the petitioner he may kindly be allowed on regular bail.

VIII. It has also been submitted that in the instant case, the trial would take substantial amount of time to concluded and as such, the incarceration of the present petitioner may not be required.

IX. Learned counsel for the petitioner has also taken the ground of medical ailments as he has undergone PTCA with four stents, besides suffering from Type-II Diabetes, hypertension and a diagnosed transverse colon polyp.

23. Thus, in sum and substance, the learned Counsel has emphatically contended that the petitioner's case rests primarily on the ground of parity, coupled with the probable delay in the conclusion of the trial and the prolonged incarceration already suffered extending to a period of about eighteen months and ill health of the petitioner. Learned counsel for the petitioner, based upon the aforesaid grounds, has submitted as per the ground

agitated hereinabove, it is a fit case where the petitioner is to be given the benefit of privilege of bail.

Argument advanced by learned counsel for the opposite party-Enforcement Directorate:

24. Per contra, Mr. Amit Kumar Das, the learned counsel for the opposite party-Enforcement Directorate has seriously opposed the said submission/ground both based upon the fact and the law as referred hereinabove, on the following grounds.

I. The submission has been made that the petitioner was arrested on 08.05.2025 under Section 19 of PML Act, 2002, after recording reasons to believe that the petitioner is guilty of the offence of money laundering as defined under Section 3 and punishable under Section 4 of PML Act, 2002.

II. It has been contended that the present bail application is devoid of merit and is liable to be rejected at the threshold.

III. It has been contended that this is the 2nd bail application of the present petitioner before this Court. The petitioner's first bail application being B.A. No. 8570 of 2025 was considered and rejected by this Court by passing a reasoned order dated 12.11.2025 on merit after due consideration of entire aspects and against the said order dated 12.11.2025 Special Leave Petition being S.L.P. (Diary) No. 43801

of 2026 was preferred before the Hon'ble Apex Court but the said SLP was also dismissed vide order dated 07.08.2026.

IV. It has been contended that no fresh ground, material change in circumstance or supervening event has been made out that would warrant a departure from the concurrent findings already rendered against the petitioner.

V. It has been contended by referring to Section 3 of the PML Act, 2002 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.

VI. So far as the nature of allegation as has been committed by the petitioner is concerned, it has been contended that implication of the petitioner is based upon the finding mentioned in the prosecution complaint and also based upon the evidences of other persons.

VII. It has been contended that the statement, as has been recorded under Section 50 of the PML Act, 2002 is very much clear of the involvement of the present

petitioner in relation to commission of crime as alleged in ECIR No. ECIR/RNZO/ 18/2024 dated 23.09.2024.

VIII. Further it has been submitted that the prayer for bail of the co-accused, namely, Amit Agarwal @ Vicky Bhalotia had also been rejected by this Court vide order dated 08.10.2025 passed in B.A No.6030 of 2025 and against the said order, he has approached the Hon'ble Apex Court but there also his prayer for bail was rejected vide order dated 17.10.2025 passed in Special leave to Appeal (Crl.) Nos.16591 of 2025, as the Hon'ble Apex Court has not inclined to interfere with the order passed by this Court.

IX. It has further been contended that the said co-accused, namely, Amit Agarwal @ Vicky Bhalotia had again renewed his prayer for bail by filing an application before this Hon'ble Court being B.A. No. 5375 of 2026 but the same was also dismissed vide order dated 12.08.2026, therefore even ground of parity is not available to the present petitioner.

X. So far as the ground of medical ailments is concerned, the petitioner has invoked Section 45(1) of the PMLA and the proviso is discretionary and not a mandatory provision. The test is to be applied whether the person in custody suffers from a

condition which cannot be addressed from within the jail or not and the ailment of the petitioner is Type-II Diabetes Mellitus, hypertension, hypothyroidism and a transverse colon polyp which are chronic conditions and capable of management within the jail medical facility. Further, the petitioner has not pleased any refusal of treatment by the jail authorities nor has he moved any application before the learned Special Court complaining of the denial of medical care nor has, he pleased on record any medical opinion that his condition cannot be managed in custody.

XI. So far as the period of custody as agitated by learned senior counsel for the petitioner is concerned, it has been submitted that as per settled proposition of law which has been settled by the Hon'ble Apex Court that the long incarceration (herein about 14 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 should have been taken in to consideration by the Court concerned while enlarging the petitioner on bail.

XII. So far probable delay in conclusion of trial, it has also been contended that in the present matter,

charge has already been framed on 07.07.2026 and 29 witnesses are to be examined, in which, one witness has partly been examined and further the Learned counsel appearing for the ED submits that ED has taken all efforts to conclude the trial as early as possible and there is likelihood that witnesses will be examined in short span of time, therefore the contention of learned counsel for the petitioner is not fit to be accepted.

XIII. The Shell entities pose a continuing threat to the financial system and a real risk of his re- engaging in similar activity and tampering with evidence and witnesses, many of whom are economically vulnerable dummy directors susceptible to inducement.

XIV. The petitioner is in judicial custody since 08.05.2025, however, the said custody is lawful and necessitated by the gravity of offence and the period of incarceration is not the ground for bail in view of the statutory bar under Section 45 of the PMLA.

XV. It is incorrect on the part of the learned counsel for the petitioner to say that the petitioner is innocent and has falsely been implicated in the present case rather the material collected during investigation established a strong prima-facie case of the

petitioner's active and central role in the laundering of the proceeds of crime.

XVI. The learned senior counsel has submitted that this Hon'ble Court while earlier rejecting the prayer for bail of the petitioner has considered all the aforesaid grounds in detail and even the plea of petitioner has not been allowed by the Hon'ble Apex Court and since no new ground/fresh ground is available, therefore the present application is not fit to be allowed.

25. Learned counsel for the O.P-Enforcement Directorate, based upon the aforesaid grounds, has submitted that it is not a fit case where the prayer for bail is to be allowed taking into consideration the involvement of the petitioner in directly acquiring the proceeds of crime.

Discussion:

26. This Court has heard learned counsel for the parties, considered the argument advanced on behalf of parties as also the judgments relied upon by the parties and other materials available on record.

27. This Court, before appreciating the argument advanced on behalf of the parties, deems it fit and proper to discuss herein the factual aspects of the instant case.

28. An ECIR bearing No. ECIR/RNZO/18/2024 was recorded on 23.09.2024 based on the Complaint Case

Nos.678 of 2024, 1280 of 2024 and 1281 of 2024 before the learned Court of Economic Offences, Jamshedpur against the petitioner and other persons.

29. Subsequently, the prosecuting agency, i.e., the Directorate of Enforcement while observing that Sections 420, 467 and 471 of the Indian Penal Code are scheduled offences under Part-A, Paragraph 1 of the PML Act, 2002 initiated the investigation under PML Act, 2002 by registering Enforcement Case Information Report having ECIR bearing No. ECIR/RNZO/18/2024 dated 23.09.2024.

30. As per predicate agency (DGGI), syndicate members led by accused Shiva Kumar Deora and Amit Gupta incorporated and operated 135 fake/shell companies without any genuine business transaction and fraudulently availed ITC and after multiple layering availed ITC was transferred to the end user entities (outside this syndicate) against receipt of commissions, thereby causing a massive loss to the public exchequer and generating substantial proceeds of crime. It has been alleged that the syndicate charged a commission of approximately 6% of the gross invoice value (equating to roughly one-third of the 18% GST component), which was used to be collected through a combination of layered bank transfers and cash and for accomplishing this illegal commission based service, the syndicate employed two primary methods to execute this fraud. The 1st Method was

Fictitious Invoicing without supplying any goods, material or services and the amount shown in these fake bills was transferred from the purported buyer (the end user entity) to the purported seller (a shell entity controlled by the syndicate). Once the syndicate's entity received the invoice value plus GST, they would return the amount to the purported buyer through hawala channels after deducting their commission. The 2nd Method was the arrangement for the generation of bills and invoices for goods that were sourced from unregistered vendors. The amount shown in the fake invoices was transferred by purported buyer to the syndicate's shell entity, while actual goods were obtained by the buyer from a 3rd party unregistered supplier. Once the funds were received by the syndicate's entity, they would deduct their commission and return the remaining amount to the buyer through hawala channels. This returned amount was then used by the buyer to pay the actual supply in cash.

31. The Directorate of Enforcement has alleged that the criminal activities related to the scheduled offence of cheating (Section 420 IPC) and forgery (Section 467 & 471 IPC) in three complaints filed by the predicate agency in the court of Economic Offences, Jamshedpur, directly resulted in the generation of substantial proceeds of crime. It has been alleged that while the total fraudulent ITC generated by 135 shell companies amounted to staggering 734.57 crores, the

investigation focused on the amount that was successfully laundered by being sold and passed on from various end user entities. It has further been alleged that this amount of 734.57 crores represented the actual tax loss to the government against the genuine business activities and tangible lawful gain derived by the syndicate and its beneficiary. However, based on the DGGI alert notice dated 08.04.25, it has been determined that fraudulent ITC totaling 201 crores was successfully passed on to the various end user entities across the country and these entities utilized these fake ITC to illegally settle their genuine GST liabilities. Therefore, this amount of 201 crores represented the direct proceeds of crime generated from the criminal activity related to the scheduled offence. The Directorate of Enforcement has further alleged that the commission received by the syndicate members including Shiva Kumar Deora, Amit Gupta, Sumit Gupta and Amit Agarwal was calculated to be approximately 67 crores, which these accused obtained and laundered.

32. Accordingly, the trial court has taken the cognizance of the aforesaid offence.

33. Thereafter, petitioner had preferred the Misc. Cri. Application being MCA 1243/2025 for his bail, which was dismissed vide Order dated 15.07.2025. Subsequently, the Petitioner preferred a regular bail application before this Court by filing B.A. No. 8570 of 2025, which came to be

dismissed vide Order dated 12.11.2025. Consequent thereto, against the aforesaid order of this Court, a special leave petition being S.L.P. (Diary) No. 43801 of 2026 was preferred before the Hon'ble Apex Court which was dismissed vide order dated 07.08.2026.

34. Thereafter, the present petitioner has renewed his prayer for bail and had preferred Misc. Cri. Application being MCA 1920/2026 by taking various grounds as was agitated earlier along with the ground of custody but the said application was dismissed vide Order dated 22.08.2026 passed by Spl. Judge PMLA Cases Ranchi.

35. Hence the present application has been preferred before this Court for bail mainly on the ground of long incarceration of the petitioner i.e. about 18 months and also on the ground of parity and health issue.

36. So far as the period of custody as agitated by learned counsel for the petitioner is concerned, it has been submitted by learned counsel for the respondent that as per settled proposition of law the long incarceration (herein about 18 months) 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 should have been taken in to consideration by the Court concerned while enlarging the petitioner on bail.

37. The learned counsel for the respondent ED has further contended that since the prayer for bail has already been adjudicated by this Court on merit and all the issues which have been raised, has already been considered by this court while dismissing the said bail application, further no new ground is available herein, therefore it is not required to consider the prayer for bail of the petitioner a fresh. The learned counsel for the respondent ED has further contended that SLP which has preferred against the said order has also been dismissed.

38. In the aforesaid context this Court thinks fit that for proper appreciation of the present application it would be better to refer relevant paragraphs of the order dated 12.11.2025 passed in B.A. No.8570 of 2025 by which the bail of the present petitioner had been earlier rejected by this Court on merit. The pertinent paragraphs of the said order are accordingly extracted hereinbelow:

> *"**Issue of Arrest***
>
> ***87**. Now, adverting to the factual aspect of the present case and on consideration of the submissions advanced on behalf of petitioner, we have gone through the record particularly annexure-3 series appended with the instant petition/application wherefrom it is evident that petitioner was arrested on 08.05.2025 and thereafter as per the admitted fact, he has been produced forthwith before the learned C.J.M, Calcutta for transit remand. From annexure -3 it appears that arrest of the petitioner was made on 08.05.2025 under Section 19 of the Act 2002 after recording detail "reasons to believe"*

based on material which indicates the petitioner's involvement in the alleged crime.

***88**. It is further evident that the contemporaneous record including arrest memo, and the grounds of arrest documents bear the signature of the petitioner which stands as irrefutable proof of service and acknowledgement at the time of arrest and the arrest of the petitioner was communicated to Ms. Manjari Deora (daughter-in-law). It is further evident that the present petitioner was arrested on 08.05.2025 at 7.15 P.M. and the ground of the arrest and "reason to believe" was handed over to him which was acknowledged by him.*

***89**. Further, as per the submission of the learned counsel for the ED, the petitioner was produced before the learned CJM, Calcutta within statutory 24-hour period and the learned Court of CJM after due consideration found the arrest to be proper and granted the transit remand.*

***90.** Thus, from the aforesaid it is evident that in the instant case after arrest immediately the petitioner was produced before the concerned court of learned Chief Judicial Magistrate at Calcutta and the ground of arrest and reason to believe as has been supplied to him by the Enforcement Directorate and in his presence the detail order was passed on 08.05.2025, hence, it cannot be said on behalf of the petitioner that the mandate as stipulated under Section 19(1) has not been followed.*

***91.** Thus, it is evident from the record that the petitioner was arrested on 08.05.2025 and admittedly he was produced before the learned Chief Judicial Magistrate, Calcutta on the same day for seeking transit remand for his production in the Court of PMLA, Ranchi in the State of Jharkhand.*

***92.** On the basis of discussion made herein above, it is evident from the record that the petitioner was informed about the ground of arrest immediately by the Enforcement Directorate with his acknowledgement. Further, it is also an admitted position that within 24 hours of the arrest, the arrestee was produced before the learned CJM Court for transit remand therefore the legal requirement of informing the grounds of arrested "as soon as may be" also stood fulfilled as*

per the statutory requirement under S. 19(1) of the PMLA as well as the constitutional mandate under Article 22(1) of the Constitution of India. Thus, as per the of mandate of Hon'ble Supreme Court rendered in the case of Pankaj Bansal (supra) has been complied with by the respondent. So far the "reason to believe" is concerned the same has also been complied with and the acknowledgment to this effect was obtained. Hence, the law as it prevailed on the date of arrest was complied with.

94. *This Court, in view of the discussions made hereinabove and taking into consideration the aforesaid fact is of the view that the mandatory provision as contained under Section 19(1) of the PML Act, 2002, and the ratio laid down in the case of* ***Vijay Madanlal Choudhary & Ors. Vs. Union of India & Ors. (supra),*** *and other judgments of the Hon'ble Apex Court which has been referred herein in preceding paragraphs, has been followed by the O.P-ED.*

95*. From the perusal of annexure-3 it is evident that the Arrest Memo dated 08.05.2025, duly signed by the petitioner, clearly records the time, place, and manner of arrest. The written Grounds of Arrest were served upon the petitioner at the time of arrest, in strict compliance with Section 19 of the PMLA, 2002, and the law laid down by the Hon'ble Apex Court in the case of Pankaj Bansal v. Union of India (supra) and further "the reason to believe" has also been acknowledged. The petitioner's signatures on the Arrest Memo, Grounds of Arrest, and "reason to believe" stand as of service and contemporaneous documentary proof acknowledgment therefore, this Court is of the view that the argument which has been advanced on behalf of the learned counsel for the petitioner is not tenable based upon the discussion made hereinabove.*

Issue of culpability of the present petitioner:

105. *From the various paragraphs of the prosecution complaint as mentioned hereinabove it is evident that the allegation against the petitioner that he is part of organized syndicate operating through 135 shell companies for issuance of bogus GST invoices involving ITC exceeding more than Rs.*

700 crores. These invoices were used to illegally avail and pass on Input Tax Credit (ITC) to various entities causing wrongful loss to the government exchequer. The proceeds of crime were layered through several accounts to project them as legitimate.

106. *It has been revealed that the present petitioner is the principal conspirator and prime mastermind of the entire GST fraud syndicate. He was not merely a participant but the chief architect who, in connivance with his associates, orchestrated a sophisticated and large-scale criminal operation to defraud the Government Exchequer. His actions and admissions demonstrate a clear and deliberate involvement in every stage of the money laundering process, fulfilling all the constituent elements of the offence as defined under Section of the Prevention of Money Laundering Act, 2002.*

107. *Further it has come in the investigation that as the mastermind, the petitioner orchestrated the creation of a complex web of 135 shell entities. He admitted to incorporating over 25 such companies himself, which were used to generate bogus invoices without any actual supply of goods. This criminal activity related to the scheduled offence directly resulted in the generation of fraudulent ITC, leading to the acquisition of proceeds of crime amounting to at least 201 Crores, which includes the syndicate's commission of approximately 67 Crores.*

108*. Further it has come during investigation that the present petitioner held these illicit funds in a web of bank accounts, including those of the shell entities he controlled, his personal accounts, and the accounts of his family members, including his son Mohit Deora (Accused No.2) and wife Sashi Deora. His control over these accounts establishes his direct and indirect possession of the proceeds of crime and to conceal the illicit origin of the funds, he employed sophisticated layering techniques. The proceeds of crime were routed through multiple shell companies in a series of complex transactions designed to obscure the money trail. Furthermore, he admitted to using a network of 'Angadias' (hawala operators) to move cash and settle transactions, a classic method for concealing*

financial trails from regulatory scrutiny. The large, unexplained cash deposits into his and his family's accounts are further evidence of his attempts to conceal the tainted nature of the funds.

109. *Further the petitioner made deliberate attempts to project the proceeds of crime as legitimate earnings. During his statements, he gave contradictory and unsubstantiated explanations for his income, claiming it was from "GST liasoning commission" or "textile commission" without providing any documentary proof. He falsely claimed that the substantial cash deposits in his accounts were mere re deposits of his own withdrawals, an assertion that fails to explain the origin of the initial cash. By doing so, he was actively trying to claim and project tainted property as untainted.*

110. *Thus, the investigation has prima facie indicates that Shri Shiva Kumar Deora was knowingly and actively involved in all processes and activities connected with the proceeds of crime, from its generation to its laundering. His acts of witness intimidation and attempts to destroy evidence further cement his culpability. Furthermore, as per the Explanation to Section 3 of the PMLA, the offence of money laundering is a continuing activity, and Shri Shiva Kumar Deora continued to possess, use, and enjoy the proceeds of crime through the assets he acquired and the funds he controlled.*

116. *Hence, it from the various paragraphs of the prosecution complaint it is evident that the petitioner is directly indulged 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, as defined u/s 3 of PML Act, 2002.*

120*. Thus, prima-facie, it appears that the petitioner has involved himself in accumulating proceeds of crime and the plea of the learned counsel for the petitioner that the petitioner has no role in the alleged commission of crime, does not hold water.*

121. *Further it has been contended by the learned counsel for the petitioner that the DGGI, Jamshedpur ought not to have*

registered prosecution complaint for the offences punishable under the provisions of IPC which have merely been appended to a GST complaint, which is impermissible in law.

122. *In the aforesaid context it requires to refer herein that Section 132 of CGST Act is a penal provision providing punishment for certain offences. Sub-Section (1) of Section 132 prescribes several acts and omissions which are made punishable with different sentences depending on the nature of the offence. Sub-Section (4) of Section 132 provides that notwithstanding anything contained in the Code of Criminal Procedure, all Commissioner. offences under the said Act, except those referred to in sub-Section (5) shall be non cognizable and bailable. However, sub-Section (5) of Section 132 makes certain offences cognizable and non-bailable. Sub-Section (6) of Section 132 provides that a person shall not be prosecuted for any offence under the said Section except with the previous sanction of the commissioner.*

123. As noted, Section 132 of CGST Act provides punishment for certain offences related to the Goods and Service Tax related acts and omissions. However, it is not unknown that a certain act may fall within the said special penal statute at the same time may also have an element of an offence under IPC. 124. The question whether the accused in such a situation can be made answerable only for the special statue offence or general offence also, has been examined by the Hon'ble Supreme Court earlier.

128. *Thus, if an act or offence which constitute an offence under IPC, then the provision of Special Act shall not stand in a way to stop the applicability of the IPC and such offence can be prosecuted under IPC.*

129. *Further as per the aim and objective of the Act 2002 which has already referred herein the preceding paragraph wherefrom it is evident that the Act 2002 aims to prevent illegal financial activities by monitoring businesses to ensure they're not laundering money, which involves making illegally obtained funds appear legal to evade legal consequences. This money might be earned from illegal activities like smuggling,*

fraud, creation of shell companies, and fake invoicing, amongst other sources.

130. *Further it needs to refer herein that this Court is conscious with the fact that at this juncture this Court has to consider the application of Section 45 of the Act 2002 in order to see that whether the petitioner is eligible for bail or not, therefore the said contention of the petitioner is not fit to be appreciated herein at this stage.*

149. Herein on the basis of the discussion made hereinabove in the preceding paragraphs it is evident that the present petitioner along with the other accused persons, had parked the illicit funds in a web of bank accounts, including those of the shell entities he controlled, his personal accounts, and the accounts of his family members, including his petitioners control over these accounts establishes his direct and indirect possession of the proceeds of crime as such there is sufficient evidence in order top presume the role of the petitioner in alleged offence of Money laundering.

156. *From the various paragraphs of the prosecution complaint including the statements of the other persons which were recorded and surfaced during the investigation clearly implicate the petitioner and establishes the offence of money laundering against the present petitioner.*

157. *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 PML Act, 2002, is totally misplaced in the light of accusation as mentioned in prosecution complaint.*

158. *Thus, this Court, after taking note of the settled legal proposition, is of view that the aforesaid contention is not tenable in the eye of law.*

159. *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.

160. *Further it has been submitted by the learned counsel for the ED that substantial portions of the proceeds of crime remain untraced, unrecovered, and potentially in circulation within the financial system. The investigation into the identification of the complete chain of transactions, the full extent of assets acquired from such tainted funds, and the persons/entities involved in their possession and concealment is still ongoing.*

161. *It is revealed during the investigation that the petitioner intentionally transferred/tried to transfer the said properties, acquired out of the proceeds of crime, to his associates purposefully to frustrate the proceedings under the law therefore, releasing the petitioner at this crucial stage would not only impede and prejudice the ongoing investigation but would also frustrate the statutory objective of tracing, attaching, and ultimately confiscating the property derived from or involved in money laundering.*

162. *Thus, on the basis of the aforesaid discussion and taking into consideration 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 PML Act, 2002, it is considered view of this Court that no ground exists for the petitioner to claim the benefit of bail on merits. The gravity of the offence, and the serious allegations of facilitating the laundering of proceeds of crime continue to justify the petitioner's custody under the strict rigors of Section 45 of the Act 2002.*

163. *This Court while considering the prayer for regular bail has taken into consideration that though this Court is not sitting in appeal on the order passed by learned Trial Court but only for the purpose of considering the view which has been taken by learned Court while rejecting the prayer for bail, this Court is also in agreement with the said view based upon the material surfaced in course of investigation, as referred hereinabove.*

164. *This Court is conscious of this fact that while deciding the issue of granting bail in grave economic offences it is the utmost duty of the Court that the nature and gravity of the alleged offence should have been kept in mind because corruption poses a serious threat to our society should be dealt with by iron hand.*

165. *Further, it is required to refer herein that the Money Laundering is an economic offence and economic offences comes under the of grave offences hence needs to be visited with a different approach in the matter of bail as held by the Hon'ble Apex court in the case of "**Y. S Jagan Mohan Reddy v/s Central Bureau of Investigation"**, reported in **(2013) 7 SCC 439**. ---*

168. *It requires to refer herein that the Hon'ble Apex Court in catena of judgments has held that the economic offences constitute a class apart and need to be visited with a different approach in the matter of bail. The economic offences having deep-rooted 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.*

169. *The Hon'ble Apex Court has further observed that with the advancement of technology and Artificial Intelligence, the economic offences like money laundering have become a real threat to the functioning of the financial system of the country and have become a great challenge for the investigating agencies to detect and comprehend the intricate nature of transactions, as also the role of the persons involved therein. Reference in this regard be made to the judgment rendered by the Hon'ble Apex Court in the case of "**Tarun Kumar vs. Assistant Director Directorate of Enforcement" (supra).** The relevant paragraphs of the aforesaid Judgment are being quoted as under:*

> *"22. Lastly, it may be noted that as held in catena of decisions, the economic offences constitute a class apart and need to be visited with a different approach in the matter of bail. The economic offences having deep-rooted*

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. Undoubtedly, economic offences have serious repercussions on the development of the country as a whole. To cite a few judgments in this regard are Y.S. Jagan Mohan Reddy v. Central Bureau of Investigation, Nimmagadda Prasad v. Central Bureau of Investigation, Gautam Kundu v. Directorate of Enforcement (supra), State of Bihar v. Amit Kumar alias Bachcha Rai. This court taking a serious note with regard to the economic offences had observed as back as in 1987 in case of State of Gujarat v. Mohanlal Jitamalji Porwal as under:—

"5… The entire community is aggrieved if the economic offenders who ruin the economy of the State are not brought to books. 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…"

23. ***With the advancement of technology and Artificial Intelligence, the economic offences like money laundering have become a real threat to the functioning of the financial system of the country and have become a great challenge for the investigating agencies to detect and comprehend the intricate nature of transactions, as also the role of the persons involved therein.*** *Lot of minute exercise is expected to be undertaken by the Investigating Agency to see that no innocent person is*

wrongly booked and that no culprit escapes from the clutches of the law. When the detention of the accused is continued by the Court, the courts are also expected to conclude the trials within a reasonable time, further ensuring the right of speedy trial guaranteed by Article 21 of the Constitution.

24. With the afore-stated observations, the appeal is dismissed."

170. *This Court, considering the aforesaid material available against the petitioner in such a grave nature of offence and applying the principle of grant of bail wherein the principle of having prima facie case is to be followed, is of the view that it is not a fit case of grant of bail.*

171. *Having regard to the entirety of the facts and circumstances of the case, this Court is of the opinion that the petitioner has miserably failed to satisfy this Court that there are reasonable grounds for believing that he is not guilty of the alleged offences. On the contrary, there is sufficient material collected by the O.P-ED to show that he is prima facie guilty of the alleged offences.*

172. *For the foregoing reasons, having regard to facts and circumstances, as have been analyzed hereinabove, since the petitioner has failed to make out a special case to exercise the power to grant bail and considering the facts and parameters, necessary to be considered for adjudication of bail, this Court does not find any exceptional ground to exercise its discretionary jurisdiction to grant bail.*

173. *Further it needs to refer herein that after detailed investigation, the Directorate of Enforcement has filed a Prosecution Complaint dated 05.07.2025 before the Special Judge, PMLA, Ranchi, against the present petitioner.*

174. *It is evident from the various paragraphs of the prosecution report dated 05.07.2025 which have been quoted and refer hereinabove that the allegations levelled against the petitioner are of an extremely grave and serious nature, striking at the very foundation of the country's economic and financial system. They pertain to fraudulent transactions*

running into hundreds of crores of rupees, executed through a complex and deliberate layering of illicit funds, and culminating in the acquisition and projection of properties derived from such tainted sources as untainted assets. The petitioner's activities have been found to be indispensable to the layering and integration stages of the laundering process, involving multiple shell companies and bank accounts under his de facto control.

175. *Thus, the magnitude of the fraud, its organized nature, and the systematic siphoning of funds, the present case strikes at the core of the country's economic and financial fabric. The fraudulent availment and passing of fake ITC not only caused direct financial loss to the Government but also undermined the sanctity of the GST regime, which is based on self-declaration and trust.*

176. *It needs to refer herein that the bail application filed by the co-accused, namely, Amit Gupta has already been rejected by this Court vide order dated 08.10.2025 passed in B.A No.7476 of 2025.*

177. *Further the prayer for bail of the co-accused, namely, Amit Agarwal @ Vicky Bhalotia against whom there is almost similar allegation, had also been rejected by this Court vide order dated 08.10.2025 passed in B.A No.6030 of 2025 and against the said order, he has approached the Hon'ble Apex Court but there also his prayer for bail was rejected vide order dated 17.10.2025 passed in Special leave to Appeal (Crl.) Nos.16591 of 2025, as the Hon'ble Apex Court has not inclined to interfere with the order passed by this Court.*

178. *On the basis of discussion made hereinabove it is considered view of this Court that granting bail to the petitioner would send a wrong signal to society and embolden economic offenders, thereby undermining public confidence in the justice delivery system. The offence in question is not a mere fiscal offence but a crime against the economic health of the nation, with a cascading effect on honest taxpayers, market integrity, and state revenue, therefore, this Court is of the view that it is not a case where the prayer for bail is to be granted, as such the instant application stands dismissed.*

> ***179.*** *It is made clear that any observations made herein are prima-facie for consideration of matter of bail only and the view expressed herein shall not be construed as an expression on the merits of the case.*
>
> ***180.*** *The learned Trial Court shall proceed with the matter uninfluenced by any observations made by this Court and shall decide the case strictly in accordance with law."*

39. It is, thus, evident from the perusal of the aforesaid paragraphs of the order dated 12.11.2025 that this Court while referring the various settled position of law and the provisions of Act 2002 had addressed contentions of the parties and found no merit in the said bail application and accordingly dismissed the same.

40. It is further evident from the order dated 12.11.2025, that order of arrest along with non-availability of element of predicate offence has been raised and after due consideration of the same, this Court has dismissed the said grounds and accordingly prayer for bail of the petitioner has been rejected by this Court. It is, thus, evident from the perusal of the aforesaid paragraphs that this Court while referring the various settled position of law and the provisions of Act 2002 had addressed contentions of the parties in relation to issue of legality of arrest.

41. It is further apparent from the aforesaid order dated 12.11.2025 that the Court while passing the aforesaid order, had also taken care of the culpability of the present applicant which was mentioned in the prosecution complaint/ECIR and

based upon the same, the Court has not found the availability of the twin condition as stipulated in the Act 2002 and accordingly, dismissed the bail petition.

42. It is further apparent from the aforesaid order dated 12.11.2025 that the Court while passing the aforesaid order, had also taken care of the culpability of the present applicant which was mentioned in the prosecution complaint/ECIR and based upon the same, the Court has not found the availability of the twin condition as stipulated in the Act 2002 and accordingly dismissed the bail petition.

43. It is further admitted fact that the petitioner has moved to the Hon'ble Apex Court by filing S.L.P. (Diary) No. 43801 of 2026, making the prayer for bail by invoking the jurisdiction conferred under the Constitution of India, but the same was dismissed vide order dated 07.08.2026. For ready reference, the relevant part of the order is quoted as under:

> *"Upon hearing the counsel, the Court made the following*
>
> *O R D E R*
>
> *1. Delay condoned.*
>
> *2. We have heard the learned counsel appearing for the petitioner and the learned Senior Counsel appearing for the respondent-Union of India.*
>
> *3. Reliance has been placed on the order dated 05.01.2026 passed by this Court, pertaining to a co-accused, against whom the allegations are less serious than those against the present petitioner.*
>
> *4. Considering the aforesaid and taking note of the allegations levelled against the petitioner, we are not inclined to interfere with the impugned order passed by the High Court.*

5. Accordingly, the Special Leave Petition stands dismissed.

6. Pending application(s), if any, shall stand disposed of."

44. Thus, from the foregoing discussion, it is evident that the prayer for bail of the present applicant on merits has already been considered and adjudicated upon, and no cogent fresh ground or change in circumstances has been brought on record warranting reconsideration of the same. Therefore, the preliminary contention advanced by learned counsel appearing for the Enforcement Directorate (ED), that there is no occasion to entertain the instant bail application afresh, appears to have considerable force. However, since learned counsel for the petitioner has primarily advanced submissions with regard to the prolonged period of incarceration, the principle of parity and the medical condition of the petitioner, this Court considers it appropriate to examine the prayer for bail afresh, confined to the aforesaid grounds.

45. It is evident from order dated 12.11.2025 passed by this Court in B.A. No. 8570 of 2025 that this Court while rejecting the aforesaid bail application has taken into consideration the specific culpability of the petitioner, as alleged in prosecution complaint.

46. From the various paragraphs of the prosecution complaint, it appears that the present petitioner is alleged to be an active member of a syndicate operating through 135

shell companies for issuance of bogus GST invoices involving ITC exceeding more than Rs. 700 crores. These invoices were used to illegally avail and pass on Input Tax Credit (ITC) to various entities causing wrongful loss to the government exchequer. The proceeds of crime were layered through several accounts to project them as legitimate. It is revealed that the present petitioner is the principal conspirator and prime mastermind of the entire GST fraud syndicate. He was not merely a participant but the chief architect who, in connivance with his associates, orchestrated a sophisticated and large-scale criminal operation to defraud the Government Exchequer. His actions and admissions demonstrate a clear and deliberate involvement in every stage of the money laundering process, fulfilling all the constituent elements of the offence as defined under Section of the Prevention of Money Laundering Act, 2002.

47. The prosecution complaint records that the petitioner directly and indirectly indulged in, knowingly assisted, and was a party to activities connected with the proceeds of crime.

48. Since the imputation against the present petitioner has already been dealt with by this Court vide order dated 12.11.2025, therefore it is not required herein to reiterate the same factual aspects elaborately and further this Court is dealing with the issue of bail and not analyzing the veracity of

the imputation which is only to be done at appropriate stage and at this stage which requires consideration is parameters of Section 45 of the PML Act, 2002 as per which the twin condition is to be fulfilled .

Issue of Parity

49. The learned Counsel appearing on behalf of the petitioner has urged that the petitioner has remained in judicial custody since 08.05.2025, i.e., for a period exceeding one year and six months. It has further been submitted that the trial, is presently at the stage of recording evidence, and there is no likelihood of its conclusion in the near future. Attention has been invited to the circumstance that one of the co-accused, namely Mohit Deora, has already been enlarged on bail by the Hon'ble Supreme Court, and the allegations levelled against the said co-accused stand on a footing similar to those attributed to the present petitioner. In view of the parity of circumstances and the prolonged incarceration, it is prayed that the petitioner be directed to be released on bail.

50. *Per contra*, learned Senior Counsel appearing for the respondent has contended that the plea of parity is wholly misconceived in the facts of the present case.

51. It has been submitted that the role attributed to the petitioner is materially distinct from that of the co-accused who has been granted bail by the Hon'ble Supreme Court, inasmuch as the petitioner is part of organized syndicate

operating through 135 shell companies for issuance of bogus GST invoices involving ITC exceeding more than Rs. 700 crores. These invoices were used to illegally avail and pass on Input Tax Credit (ITC) to various entities causing wrongful loss to the government exchequer. The proceeds of crime were layered through several accounts to project them as legitimate.

52. Further, it has been contended that the petitioner is a person of considerable influence and it is apprehended that if the petitioner enlarged on bail, the petitioner may tamper with the evidence and may again indulge in offences of like nature.

53. It has also been submitted that the trial is presently at the stage of recording evidence, with only 29 witnesses are to be examined, in which, one witness has partly been examined and the Enforcement Directorate/respondent is making earnest efforts to conclude the trial within the shortest possible time. Accordingly, it is argued that neither the ground of parity nor the ground of delay in trial can justify the petitioner's release on bail, and this is not a fit case for exercise of discretion in favour of the petitioner.

54. In the aforesaid context now coming to the ground of parity as raised herein. 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.

55. 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."

56. The Hon'ble Apex Court in ***Tarun Kumar Vs. Assistant Director Directorate of Enforcement (2023) SCC OnLine SC 1486*** wherein at paragraph-17, 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.

57. Thus, while considering bail, parity can be a consideration, it is not a standalone ground and must be assessed in conjunction with the specific role of the accused, the gravity of the offence, and the potential for interference with the trial.

58. In the case of ***Partha Chatterjee v. Directorate of Enforcement 2024 SCC OnLine SC 3729*** the Supreme Court reiterated that prolonged incarceration unjustly deprives an accused of their right to personal liberty under Article 21, and even statutory embargoes on bail must yield in such cases. However, the Court also emphasized that bail must be determined based on the unique circumstances of each case, balancing factors such as the gravity of the offense, the nature of allegations, likelihood of interference with investigation, possibility of evidence tampering, threat or influence over material witnesses, societal impact of release, and risk of absconding.

59. In ***Tarun Kumar v. Assistant Director Directorate of Enforcement (supra),*** the Supreme Court

considered the twin conditions under Section 45(1) of the PMLA, which require the court to be satisfied that there are reasonable grounds for believing that the accused is not guilty of such offense and that he is not likely to commit any offense while on bail. The Court also addressed the argument of bail parity, noting that it is not an absolute rule and depends on the specific role and involvement of each accused. The Court emphasized that the gravity of the offense and the potential for the accused to tamper with evidence or influence witnesses are crucial considerations.

60. In ***Kalyan Chandra Sarkar v. Rajesh Ranjan @ Pappu Yadav and Another, (2004) 7 SCC 528***, the Hon'ble Supreme Court emphasized that, prior to granting bail, the Court must carefully assess the seriousness of the charges, the severity of the punishment likely to follow upon conviction, the credibility and strength of the supporting evidence, and the reasonable likelihood of the accused tampering with witnesses.

61. It is settled position of law that the plea of parity should not be the sole reason for granting bail.

62. It is further settled position of law that parity must be assessed with reference to the role of the accused, and cannot be invoked merely because a co-accused has been granted bail. Nor can it be claimed as a matter of right.

63. A significant recent clarification came in ***Sagar v. State of U.P., 2025 INSC 1370,*** where the Supreme Court unequivocally stated that parity in bail is role-based and cannot be the sole ground. The Court clarified that parity hinges on the similarity of position and role in the crime, not merely co-accused status. The Court stressed that the requirement of "position" is not met only by involvement in the same offence, but refers to the specific role played by the accused.

64. In the backdrop of the aforesaid settled legal principles, this Court now proceeds to advert to the specific culpability alleged against the present petitioner in relation to the commission of the offence under consideration.

65. While rejecting the earlier bail application of the present applicant/petitioner this Court has gone through the prosecution complaint wherefrom it is evident that the petitioner is a central figure in a syndicate comprising co-accused persons, engaged in generating and availing fake Input Tax Credit (ITC) through bogus invoices. It is further revealed that the petitioner was part of an organized network of 135 shell companies issuing fraudulent GST invoices involving ITC exceeding ₹750 crores, with proceeds of crime layered through several accounts to project them as legitimate. He is identified as a key mastermind in directly

managing shell entities and laundering funds in coordination with other conspirators.

66. The prosecution complaint indicates his active and knowing participation in the processes connected with proceeds of crime. Further it is evident that present petitioner/applicant in his statements recorded on 08.05.2025, 21.05.2025, 22.05.2025, and 23.05.2025, the had confessed to being the principal architect of the entire fraudulent scheme. He admitted to incorporating over 25 shell companies with fictitious directors, which were then sold to other operators.

67. It has further come on record during investigation that as the mastermind, he orchestrated the creation of a complex web of 135 shell entities. He admitted to incorporating over 25 such companies himself, which were used to generate bogus invoices without any actual supply of goods. This criminal activity related to the scheduled offence directly resulted in the generation of fraudulent ITC, leading to the acquisition of proceeds of crime amounting to at least 201 Crores, which includes the syndicate's commission of approximately 67 Crores.

68. So far as the culpability of Mohit Deora is concerned it is evident from the prosecution complaint that he is knowing participant and a direct beneficiary of the criminal conspiracy orchestrated by his father, Shiva Kumar Deora.

He knowingly and actively assisted in the offence of money laundering by allowing his personal and business bank accounts to be used as conduits for layering the proceeds of crime and subsequently using those funds for personal enrichment. The Mohit Deora's bank accounts were systematically used to receive and hold funds directly sourced from the syndicate's shell entities.

69. As per the prosecution complaint it has been alleged against the present petitioner that principal conspirator and prime mastermind of the entire GST fraud syndicate. He was not merely a participant but the chief architect who, in connivance with his associates, orchestrated a sophisticated and large-scale criminal operation to defraud the Government Exchequer. It has further been alleged that his actions and admissions demonstrate a clear and deliberate involvement in every stage of the money laundering process, fulfilling all the constituent elements of the offence as defined under Section of the Prevention of Money Laundering Act, 2002.

70. Furthermore, as recorded in the counter-affidavit, the apprehension of tampering with evidence and of influencing witnesses particularly the economically vulnerable dummy directors whose testimonies are vital to the prosecution remains both real and continuing.

71. It is further pertinent to record that the prayer for bail of the co-accused, namely, Amit Agarwal @ Vicky

Bhalotia who is closely associated with present petitioner had also been rejected by this Court vide order dated 08.10.2025 passed in B.A No.6030 of 2025 and against the said order, the said co-accused has approached the Hon'ble Apex Court but there also his prayer for bail was rejected vide order dated 17.10.2025 passed in Special leave to Appeal (Crl.) Nos.16591 of 2025, as the Hon'ble Apex Court has not inclined to interfere with the order passed by this Court.

72. Further the said co-accused, namely, Amit Agarwal @ Vicky Bhalotia had again renewed his prayer for bail by filing an application before this Court being B.A. No. 5375 of 2026 but the same was also dismissed vide order dated 12.08.2026 and against the said orders, Special Leave Petitions have been filed before the Hon'ble Supreme Court; however, till date no relief has been granted to the aforesaid co-accused who is alleged to be close confident to the present petitioner in the alleged crime.

73. Thus, upon consideration of the aforesaid discussion, it can be safely inferred that the contention advanced by learned Senior Counsel for the petitioner that the present applicant ought to be enlarged on bail merely because co-accused Mohit Deora has been granted bail does not merit acceptance.

74. So far as the issue of period of custody and probable delay in trial 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 18 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.

75. At this juncture, the learned counsel for ED has submitted at Bar that all endeavour will be taken to expedite the trial.

76. 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.

77. 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 2024 SCC OnLine SC 109*** 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.****"*

78. 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.

79. Accordingly, the contention of learned counsel for the petitioner that present bail application is being preferred on account of alleged changes in factual and legal circumstances since the dismissal of the earlier bail application is misconceived.

80. This Court is conscious of this fact that while deciding the issue of grant bail in grave economic offences, it is utmost duty of this Court that the nature and gravity of the alleged offence should have been kept in mind because

corruption poses a serious threat to our society should be dealt with by iron hand.

81. The Hon'ble Apex Court in the case of ***Central Bureau of Investigation Vs Santosh Krnani and Another, 2023 SCC OnLine SC 427*** has observed that corruption poses a serious threat to our society and must be dealt with iron hands. The relevant paragraph of the aforesaid judgment is being referred as under: -

> *"31. The nature and gravity of the alleged offence should have been kept in mind by the High Court. Corruption poses a serious threat to our society and must be dealt with iron hands. It not only leads to abysmal loss to the public exchequer but also tramples good governance. The common man stands deprived of the benefits percolating under social welfare schemes and is the worst hit. It is aptly said, "Corruption is a tree whose branches are of an unmeasurable length; they spread everywhere; and the dew that drops from thence, Hath infected some chairs and stools of authority." Hence, the need to be extra conscious."*

82. Admittedly, the petitioner has been in judicial custody since 08.05.2025 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.

83. Similarly, in ***Satyendar Kumar Jain v. Directorate of Enforcement, 2024 SCC OnLine SC 306***, the Hon'ble Apex Court refused bail despite protracted

proceedings, noting that the complexity inherent in economic offences often necessitates lengthy trials. It is also pertinent that delays frequently arise from procedural applications and litigations pursued by accused themselves. 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.

84. So far as the ground of medical ailments is concerned, this Court finds that the petitioner has sought to invoke the proviso to Section 45(1) of the Prevention of Money Laundering Act, 2002. However, the said proviso is discretionary in nature and does not confer an indefeasible right to release on bail merely on the plea of illness. The determinative test is whether the medical condition suffered by the person in custody is of such a nature that it cannot be adequately managed or treated within the existing medical facilities available in jail. In the present case, the ailments relied upon by the petitioner, namely Type-II Diabetes Mellitus, hypertension, hypothyroidism and a transverse colon polyp, are chronic medical conditions which, prima facie, are capable of being effectively monitored and managed through the medical facilities

available in custody. Significantly, the petitioner has neither alleged nor demonstrated any refusal or inadequacy of medical treatment on the part of the jail authorities. There is also no material on record to indicate that the petitioner had approached the learned Special Court with any grievance regarding denial of medical care. Furthermore, no expert medical opinion has been placed on record to establish that the petitioner's ailments are of such severity or complexity that they cannot be satisfactorily treated while in judicial custody. In the absence of any such material, this Court is unable to hold that the petitioner's medical condition warrants the exercise of discretion under the proviso to Section 45(1) of the PMLA in his favour.

85. Further, the period of incarceration undergone by the petitioner cannot be regarded as disproportionate so as to constitute an independent ground for grant of bail in the facts of the present case. The Prosecution Complaint has been filed within the statutory period and at present, charges have already been framed, the trial stands at the stage of recording evidence, and 29 witnesses are to be examined, in which, one witness has partly been examined.

86. Learned Senior Counsel for the respondent has assured this Court that earnest efforts are being made to conclude the trial within the shortest possible time.

87. Further, in economic offences of this magnitude, the length of incarceration alone cannot, by itself, override the statutory bar of Section 45 of the PMLA, and 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 and public/State and other similar considerations.

88. Thus, it is manifest from the foregoing discussion that the earlier bail application of the petitioner stood rejected on merits after due appreciation of the entire factual matrix.

89. The pivotal issue now arising for consideration circumstance, is whether any major change in either factual or legal, warrants reconsideration of the petitioner's prayer for bail, apart from the plea of parity with a co-accused who has since been enlarged on bail.

90. Upon careful scrutiny of the record and submissions and on the basis of discussion made hereinabove, this Court is satisfied that no relevant change of circumstance has been shown.

91. In view of the foregoing, the present second/successive bail application is wholly devoid of merit.

92. The Petitioner has played a central and indispensable role in a large-scale, organized money laundering operation; the proceeds of crime attributable to his conduct are of grave magnitude and remain partly untraced; the twin conditions under Section 45 of the PMLA are squarely attracted and remain unsatisfied and there exists a real and continuing risk of tampering with evidence, influencing of vulnerable witnesses, and repetition of the offence if the Petitioner is enlarged on bail. No fresh ground or supervening circumstance has been made out to warrant a departure from the concurrent orders already passed.

93. For the foregoing reasons, and upon a comprehensive appraisal of the facts and circumstances delineated hereinabove, this Court is of the considered view that the applicant has failed to disclose any ground warranting exercise of the discretionary jurisdiction to grant bail.

94. Having regard to the settled parameters governing to adjudication of bail, and without venturing into the merits of the prosecution case, this Court finds no exceptional circumstance justifying departure from the earlier order rejecting bail of the present petitioner.

95. Thus, it is evident from the discussion as made herein above that since the earlier bail application of this petitioner has been rejected on merit, and herein the main question for consideration is if there is any change of circumstance (factual or legal) which requires reconsideration of the bail application of the petitioner and this Court, based upon the discussion made hereinabove, is of the considered view that there is no relevant change of circumstance (factual or legal) is available herein, therefore, this Court is of the view that it is not a case where the prayer for bail of the petitioner is to be granted.

96. Accordingly, based upon the aforesaid discussion, the instant application stands dismissed.

97. It is further clarified that the observations and findings recorded hereinabove are confined solely to the issue of consideration of bail. Nothing stated in this order shall prejudice or influence the merits of the case at the stage of trial.

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

(Sujit Narayan Prasad, J.)

Dated: 18/11/2026
Jharkhand High Court, Ranchi
Saurabh /A.F.R.

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