REPORTABLE

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

SANJAY SINGH V. DIRECTORATE OF ENFORCEMENT (2024)

BENCH: Mr. Justice Sanjiv Khanna, Mr. Justice Dipankar Datta & Mr. Justice P.B. Varale

DECIDED: April 2, 2024

RATIO DECIDENDI & PRECEDENTIAL CRUX:

Supreme Court three-judge bench granted regular bail under PMLA upon finding no recovery of funds or traceable trail of proceeds of crime.

1. Factual Matrix & Background:

The appellant was arrested by the Enforcement Directorate in the Delhi liquor policy case based on the statement of an approver. No money was recovered from his premises, and no bank transactions linked him to kickbacks. He was in custody for six months without trial commencement.

2. Substantive Legal Questions Framed:

Whether regular bail should be granted under Section 45 PMLA where no funds were recovered and the prosecution relies solely on statements of an approver.

3. Analysis & Ratio Decidendi:

The Supreme Court three-judge bench granted regular bail, noting that no money was recovered from the appellant and no money trail was traced to his possession. In light of the concession by the prosecution that further custody was not required, the Court ordered his immediate release on bail, permitting him to participate in political activities during bail.

4. Principles Enunciated:

- 1. Absence of recovery and lack of money trail are crucial factors in PMLA bail.
- 2. Prolonged detention based solely on approver statements warrants judicial scrutiny.
- 3. Section 45 twin conditions can be relaxed where agency concedes custody utility.

5. Practical Litigation Implications:

- Emphasize zero physical recovery, absence of bank transactions, and prolonged pre-trial custody to seek concession or favorable findings under Section 45 PMLA.

.....J.
[SUPREME COURT BENCH]

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