

GAHC010152692023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Bail Appln./2450/2023

BRIJKISHOR JAYSAWAL
S/O LATE BHARAT JEE,
R/O ARYA NAGAR,
P.O. CHHAPRA TOWN,
P.S. SADAR, CHHAPRA,
DIST. CHHAPRA (SARAN)
BIHAR, 841301

VERSUS

THE UNION OF INDIA
REPRESENTED BY DIRECTOR OF REVENUE INTELLIGENCE.

Advocate for the Petitioner : MR. D K KOTHARI

Advocate for the Respondent : SC, DRI

BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR

ORDER

01.08.2023

Heard Mr. Y.Kothari, learned counsel appearing for the accused petitioner as well as Mr. S.C.Keyal, learned Standing Counsel, DRI.

By this petition under Section 439 Cr.P.C., the accused-petitioner, namely **Sri Brijkishor Jaysawal**, has prayed for grant of bail in connection with **DRI Case No. 10/CL/IMP/GOLD/DRI /GZU/2023-24** under **Section 135 of the Customs**

Act, 1962.

The status report on the investigation into the case, as called for, is placed before the Court.

The allegation is that the accused petitioner was caught red handed with 1745.660 grams of gold of foreign origin valued at approximately Rs.1,04,91,417/- primarily in contravention of the provisions of Section 7(1)(c) and 11 of the Customs Act, 1962.

It is noticed that the accused petitioner has been in judicial custody since 05.07.2023, that is, for 27 days.

A perusal of the status report on investigation, it is noticed that the accused petitioner was caught red-handed with the seized gold of foreign origin mentioned above. On demand, the accused failed to produce any licit accompanying documents for possessing the seized gold.

There is no indication of the accused's criminal antecedence.

The punishment prescribed for such offence is rigorous imprisonment up to a period of 7(seven) years and with fine.

Having heard the learned counsel of both sides and consideration of the progress of investigation stated in the status report, this Court is of the opinion that further continuation of detention of the accused petitioner for the purpose of investigation is not required.

Accordingly, it is provided that the accused petitioner, named above, shall be released on bail of **Rs. 1,00,000/- (Rupees one lakh)** only with two sureties of like amount to the satisfaction of the **learned Chief Judicial Magistrate, Kamrup(M), Guwahati** subject to the following conditions-

- (i) That the accused petitioner shall cooperate with the Investigating Officer as and when required;
- (ii) That the accused petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Police Officer or the Court;
- (iii) That the petitioner shall refrain from committing any similar offences in future of which he is accused or suspected of commission; and
- (iv) That out of the two sureties, one must be a government servant subject to verification of the relevant documents, if deemed necessary and after such verification, the learned court below shall return the original documents retaining legible scanned copy thereof on record for future reference.

Breach of any of the above conditions shall render cancellation of bail in accordance with law.

Return the case diary.

This disposes of the bail application.

JUDGE

Comparing Assistant