

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14482 of 2023

Applicant :- Ramrup Soni

Opposite Party :- Union Of India Thru. Directorate Of Revenue Intelligence Lko.

Counsel for Applicant :- Atul Verma, Deepshikha Sharma, Hari Krishna Verma

Counsel for Opposite Party :- Digvijay Nath Dubey

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Atul Verma, the learned counsel for the applicant, Sri Digvijay Nath Dubey, the learned counsel for the Union of India and perused the records.
2. The instant application has been filed seeking release of the applicant on bail in DRI Case No.15 of 2023, under Sections 135 (1) (A) of the Customs Act, 1962, registered at Police Station D.R.I., District Lucknow.
3. The aforesaid case has been registered on the basis of a complaint lodged by Department of Revenue Intelligence on 09.11.2023 stating that 1731 grams gold worth Rs.1,04,89,860/- in 17 pieces/bars was recovered from the applicant while he was in a train at Kanpur Station. It is claimed that in his custodial statement the applicant has confessed that the gold has been brought by smuggling from Bangladesh.
4. In the affidavit filed in support of bail application it has been stated that the applicant is innocent, he has been falsely implicated in the present case and he has no criminal history.
5. The learned counsel for the applicant has submitted that the gold recovered had no markings to prima facie establish that it was of foreign origin. He has further submitted that the applicant is a jeweler and he was carrying the gold legitimately and the gold had been purchased through GST invoice, a copy whereof has been annexed as Annexure No.3 to the affidavit.

6. The learned counsel for the applicant has further submitted that the gold rates in Bangladesh are higher than the gold rates in India and therefore there is no occasion for any person to smuggle gold from Bangladesh to India.

7. Opposing the bail application the learned counsel appearing on behalf of D.R.I. has submitted that the offence committed by the applicant is detrimental to the economy of the country and as such he is not entitled to be enlarged on bail.

8. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the applicant claims to have purchased the gold through GST invoice; that the gold pieces/bars recovered do not contain any markings indicating that it was of foreign origin; that the applicant has no previous criminal history and he is languishing in jail since 16.09.2023 and without making any observation, which may affect the merits of the case, I am of the view that the aforesaid facts are sufficient for making out a case for enlargement of the applicant on bail in the aforesaid crime.

9. Accordingly, this bail application stands **allowed**.

10. Let the **applicant-Ramrup Soni** be released on bail in the aforesaid case on furnishing a personal bond and two sureties each in the like amount to the satisfaction of magistrate/court concerned, subject to following conditions:-

- (i) the applicant shall not tamper with the prosecution evidence;
- (ii) the applicant shall not pressurize the prosecution witnesses;
- (iii) the applicant shall appear on each and every date fixed by the trial court.

Order Date :- 8.12.2023

Ram.