

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14981 of 2023

Applicant :- Prithvi Raj Singh

Opposite Party :- Union Of India Thru. Ministry Of Finance, Secy. Deptt. Of Revenue, New Delhi And Another

Counsel for Applicant :- Nadeem Murtaza, Wali Nawaz Khan

Counsel for Opposite Party :- A.S.G.I., Digvijay Nath Dubey

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Nadeem Murtaza, learned counsel for the applicant, Sri Digvijay Nath Dubey, learned counsel for the Directorate of Revenue Intelligence and perused the records.

2. The instant application has been filed seeking release of the applicant on bail in Crime No.22 of 2023, under Section 135 Customs Act, 1962, registered at Police Station D.R.I., Lucknow, District Lucknow.

3. The aforesaid case has been instituted on the basis of recovery of 15 pieces of gold from one Samar Siddiqui. The recovery memo states that a team of officials had apprehended 5 accused persons from a public road while they were about to board a bus for New Delhi. The accused persons confessed that co-accused Narendra Kumar had smuggled gold from Dubai and gold was recovered from co-accused Samar Siddiqui and all the accused persons confessed their involvement in smuggling gold. Total weight of 15 pieces of gold was 1749.00 gms. Recovery memo does not mention that the gold pieces contain any markings to indicate that same have been smuggled.

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. Some photographs have been annexed with the affidavit in support of the applicant's claim that the applicant was not arrested from the place mentioned in the recovery memo but he was arrested from a dhaba, 39 km away from alleged place of occurrence, and the incident was captured in

CCTV installed in the dhaba.

5. The learned counsel for D.R.I. has opposed the prayer for bail and has submitted that the applicant was involved in smuggling of gold, which conduct is detrimental to economic health of the country and, therefore, the applicant is not entitled to be granted bail.

6. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that no recovery has been made from the applicant; that gold recovered from a co-accused person does not contain any markings to establish that it was smuggled; that the applicant disputes place of arrest on the strength of CCTV footage indicating his arrest from another place; that the applicant has no previous criminal history and he is languishing in jail since 09.11.2023 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.

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

8. Let the **applicant-Prithvi Raj Singh** be released on bail in aforementioned 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.

(Subhash Vidyarthi, J.)

Order Date :- 19.12.2023
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