

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 15287 of 2023

Applicant :- Gopi Krishna Soni

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

Counsel for Applicant :- Vinod Kumar Yadav, Akhilendra Pratap Singh, Atul Verma

Counsel for Opposite Party :- Digvijay Nath Dubey

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Atul Verma, learned counsel for the applicant, Sri Digvijay Nath Dubey, learned counsel for the D.R.I. and perused the records.

2. The instant application has been filed seeking release of the applicant on bail in DRI Case No.27 of 2023, under Section 135 of the Customs Act, Police Station D.R.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on the basis of alleged recovery of Rs.68 Lakh and 5541 gms gold from a trolley bag of co-accused, Mahesh Kumar Soni from Lucknow Railway Station.

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 respondent has opposed the prayer for bail and he has submitted that the applicant is involved in smuggling of gold which is determinantal to the economy of the country.

6. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that alleged recovery has been made from the trolley bag of the other co-accused person; that no markings are said on the gold recovered which may *prima facie* establish that the gold was smuggled and the applicant has been implicated merely

because he accompanied the co-accused person 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**-Gopi Krishna Soni 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 :- 22.12.2023
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