

GAHC010220442024



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

Case No. : Bail Appln./3249/2024

AKASH ASHOK SAWANT
S/OLT. ASHOK SAWANT
R/O HIWARWADI P.O. PADAL
P.S. MAYANI TALUKA KHATAV
DIST. SATARA, MAHARASHTRA -415507.

VERSUS

THE UNION OF INDIA
REP BY THE SC, DRI

Advocate for the Petitioner : R DAS, MS. M BEGUM, MR. S K NATH

Advocate for the Respondent : SC, DRI,

BEFORE
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

05-11-2024

Heard Mr. R. Das, learned counsel for the petitioner and Mr. M. K. Boro, learned Special Public Prosecutor, DRI for the respondent.

2. The petitioner, namely, **Akash Ashok Sawant**, son of late Ashok Sawant, resident of Hiwarwadi, P.O. – Padal, P.S. – Mayani Taluka Khatav, District –

Satara, Maharashtra-415507 has filed this application under Section 483 BNSS, 2023 seeking bail in **DRI Case No. 15/CL/IMP/GOLD/DRI/ GZU/2024-25** registered under Section 110/104/135 of the Customs Act, 1962, wherein, he was arrested on 27.09.2024 and is in custody since then.

3. According to the petitioner, he is no way connected with the case and nothing has been recovered from his possession.

4. Perused the record of DRI Case No. 15/CL/IMP/GOLD/ DRI/GZU/2024-25 placed before the Court today by Mr. M. K. Boro, learned Special Public Prosecutor, DRI.

5. It is seen that on the basis of specific input that six persons illegally carrying foreign gold from Gauhati Railway Station, the DRI authorities with other police personnel in presence of witness, apprehended those six persons, including the petitioner from Coach No.G-15 of Train No.12502 (KOAA Garib Rath). Those persons initially denied having carried any such gold, but on their physical search in presence of witnesses following due procedure, 8 packets, each wrapped with brown adhesive tape recovered from five persons excepting the petitioner, in total 33 numbers of yellow metal bars with foreign marking and 8 numbers of cut pieces of yellow metal bars with indistinct marking and accordingly, those five persons including the petitioner were apprehended and taken into custody.

6. It was found that those 33 numbers of gold bars in biscuit form and 8 numbers of cut pieces of gold was found to be genuine metal of gold of 3965.580 grams valued at Rs.3,08,12,556/-.

7. It is seen from the case record that investigation of said DRI Case No. 15/CL/IMP/GOLD/DRI/ GZU/2024-25 is still going on and that though no such

gold metal was recovered from the possession of the petitioner, he was a member of the said group of six persons working under a group leader from the State of Chhattisgarh involved in the business of gold and silver, who through these six arrested accused persons used to procure foreign gold through various routes and in the case in hand from Bangladesh through the State of Tripura and that these six persons were carrying it to deliver at a certain place in the State of Chhattisgarh.

8. As the investigation of said DRI Case No. 15/CL/IMP/GOLD/DRI/GZU/2024-25 is still going on and on finding incriminating materials in the case record, the Court is of the view that detention of the petitioner in custody since 27.09.2024 cannot be considered to grant him bail in said DRI Case No. 15/CL/IMP/GOLD/DRI/GZU/2024-25 at this stage.

9. Accordingly, the bail prayer of the petitioner, namely, **Akash Ashok Sawant**, son of late Ashok Sawant in said DRI Case No. 15/CL/IMP/GOLD/DRI/GZU/2024-25 stands rejected.

10. Return the case diary.

JUDGE

Comparing Assistant