GAHC010033152026

2026:GAU-AS:9568

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

Case No. : AB/384/2026

SHRI DIPJYOTI KHARIKARY
SON OF NABA KHARIKARY
RESIDENT OF BONDAPARA, P.O. BONDAPARA, P.S. BOKO, DIST. KAMRUP (RURAL), ASSAM, PIN-781135

VERSUS

THE UNION OF INDIA AND ANR
REPRESENTED BY THE CENTRAL GOVT. STANDING COUNSEL.

2:THE DIRECTORATE OF REVENUE INTELLIGENCE GOVT.OF INDIA

REPRESENTED BY THE SPECIAL PUBLIC PROSECUTOR
CUSTOM

Advocate for the Petitioner : MS. S BHUYAN, MS. C SHARMA

Advocate for the Respondent : SC, CUSTOMS,

BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

Date : 14-07-2026

Heard Ms. C. Sharma, learned counsel for the accused applicant and Mr. S. C. Kayal, learned Standing Counsel for the DRI.

2. This is an application under Section 482 of the BNSS, 2023 praying for pre-

arrest bail to the accused applicant in connection with DRI F. No. 18/UCL/IMP/CIG/DRI/GZU/2025-26 dated 04.12.2025.

3. The allegation relates to the recovery of certain quantities of foreign-origin cigarettes from the residential premises of the accused applicant. Following the aforesaid seizure of the foreign-origin cigarettes, the Customs Authorities issued a summons under Section 108 of the Customs Act, 1962 to the accused applicant.

4. Ms. Sharma, learned counsel for the accused applicant, submits that, being apprehensive of his arrest after receiving the aforesaid summons, the accused applicant approached this Court by filing the present anticipatory bail application. She submits that, in terms of the order dated 23.02.2026, the accused applicant has already appeared before the Customs Authorities and got his statement recorded to the effect that he has replied to the Show Cause Notice. She further submits that the accused applicant is an e-rickshaw driver who resides with his family at the said residence and is not connected with the seized materials recovered from the premises. She, therefore, submits that since the accused applicant has already got his statement recorded before the Customs Authorities, the interim pre-arrest bail granted to the accused applicant should be made absolute.

5. Mr. S. C. Kayal, learned Standing Counsel for the DRI, submits that the DRI has already filed its objection to the instant anticipatory bail application. He submits that there are several inconsistencies in the statement made by the accused applicant before the DRI authorities vis-à-vis the averments made in the anticipatory bail application. Therefore, he opposes the prayer for grant of pre-arrest bail to the accused applicant.

6. This Court has considered the submissions made by the learned counsel appearing for the parties and has also perused the objection filed by the DRI.

7. After considering the entire facts and circumstances of the case, this Court is of the opinion that the interim pre-arrest bail granted to the accused applicant should be made absolute.

8. Accordingly, the interim order dated 23.02.2026 passed by a Coordinate Bench of this Court is hereby made absolute.

11. In view of the above, the instant anticipatory bail application stands disposed of.

JUDGE

Comparing Assistant