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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **BAIL APPLN. 2332/2014**

Decided on 14th January, 2015

VINOD KHANNA

..... Petitioner

Through: Mr. Amulya Dhingra and Mr.
Chinmay Kumar, Advs.

versus

DIRECTORATE OF REVENUE INTELLIGENCE THR. ITS
STANDING COUNSEL

..... Respondent

Through: Mr. Satish Agarwala, Adv.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

A.K. PATHAK, J.(ORAL)

1. Petitioner is in custody since 21st June, 2014.
2. By this petition under Section 439 of Code of Criminal Procedure, 1973, petitioner has prayed that he be released on bail.
3. Petitioner arrived at IGI Airport, New Delhi Terminal 3 from Dubai on 20th June, 2014 by Flight No. EK-512 at about 02:45 hrs. Customs department had prior intimation that a person travelling in the said flight would be carrying gold. Petitioner was intercepted and 5 kg gold worth over ₹1 crore was recovered from him. Petitioner's statement under Section 108 of The Customs Act, 1962 (for short, the 'Act') was recorded; wherein he

stated that he was bringing gold on the instructions of Babbu Kohli. He further disclosed that co-accused Anuj Kumar, who was employee of Babbu Kohli, had provided him address of the persons from whom he had to collect gold in Dubai. He further stated that gold bars were to be delivered to Hari Sharan Khanna, another employee of Babbu Kohli. He further stated that he was paid ₹15,000/- to ₹20,000/- for carrying gold bars. On earlier occasions also he had brought gold on the instructions of Babbu Kohli. During the investigation, it surfaced that Nagesh Chadha and Prem Chand Gupta had financed Babbu Kohli for bringing the gold.

4. A complaint under Sections 132 and 135 of the Act has already been filed in the court of Chief Metropolitan Magistrate, Delhi and trial is pending. Investigation has been completed and co-accused Hari Sharan Khanna and Anuj Kumar have already been granted bail by the trial court; whereas co-accused Nagesh Chadha and Prem Chand Gupta have been granted bail by this Court. However, Babbu Kohli has been declined bail.

5. As per the role assigned to the petitioner, he is only a carrier. Petitioner is in custody for about 7 months. He is not required for any investigation. Trial may take time. It is not the case that if petitioner is released on bail, he will interfere in the investigation or flee from the

country.

6. Keeping in mind totality of the circumstances, petitioner is admitted to bail subject to his furnishing personal bond in the sum of ₹50,000/- (Rupees Fifty Thousand Only) with one surety in the like amount to the satisfaction of the trial court and subject to the following conditions :-

- (a) petitioner will appear on every date before the trial court;
- (b) petitioner will not interfere with the fair progress of the trial;
- (c) petitioner, either himself or through any of his relatives, not attempt to contact any of the witnesses and
- (d) petitioner will surrender his passport in the trial court and in case he wishes to travel abroad, he will seek prior permission of the trial court.

7. Bail application is disposed of in the above terms.

8. Copy of the order be given dasti to the petitioner.

A.K. PATHAK, J.

JANUARY 14, 2015

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