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

Judgment delivered on: 05th January, 2016

+ **CRL.M.C. No.5159/2015**

DIRECTORATE OF REVENUE INTELLIGENCE

..... Petitioner

Represented by: Mr.Satish Aggarwala and
Mr.Vineet Sharma, Advs

versus

RANJIT KUMAR HIRACHANDJI JAIN & ANR

..... Respondents

Represented by: NEMO.

With

+ **CRL.M.C. No.5160/2015**

DIRECTORATE OF REVENUE INTELLIGENCE

..... Petitioner

Represented by: Mr.Satish Aggarwala and
Mr.Vineet Sharma, Advs

versus

MUKESH KUMAR SAWALCHAND BOHRA & ANR

..... Respondents

Represented by: NEMO.

CORAM:

HON'BLE MR. JUSTICE SURESH KAIT

SURESH KAIT, J. (Oral)

Crl.M.A.No.18569/2015 in Crl.M.C.No.5159/2015; and
Crl.M.A.No.18570/2015 in Crl.M.C.No.5160/2015

Exemptions allowed, subject to all just exceptions.

Accordingly, the application is allowed.

Crl.M.C.Nos.5159 and 5160 of 2015

1. Vide both the petitions filed under Section 482 of the Code of Criminal Procedure, 1973, petitioner – department seeks direction thereby setting aside the orders dated 08.12.2015 and 10.12.2015 respectively passed by learned Chief Metropolitan Magistrate, New Delhi whereby respondents were granted bail.

2. Since, both petitions are arising out from a common incident and grounds are identical in nature, therefore, this Court is deciding both petitions by this common order.

3. Learned Prosecutor appearing on behalf of the department submits that these petitions have been filed on the ground that learned CMM, New Delhi had taken into consideration the deposit of Rs.80.00 Lac towards payment of custom duty while granting bail to respondents. This was not the question in such a case. It is a case of violation of conditions of the export policy. Gold validly imported duty free had been diverted contrary to the conditions. Thus, it is a case of prohibition.

4. Be that as it may. Respondents were arrested on 30.10.2015. Undisputedly, an amount of Rs.80.00 Lac as custom duty has been deposited by the importer. However, on the total goods recovered from them, the tax evasion comes to Rs.16.00 Lac approximately.

5. Keeping in view the facts of the case and the time spent by respondents in judicial custody, I do not find any discrepancy in the aforementioned orders passed by learned CMM, New Delhi.

6. Finding no merits in the petitions, same are accordingly dismissed

with no order as to cost.

**SURESH KAIT
(JUDGE)**

JANUARY 05, 2016
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