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

+ **W.P.(CRL) 3498/2016**

RAJ KUMAR GUPTA & ANR

..... Petitioners

Through: Mr. Pankaj Bhatia, Mr. Dhruv Surana,
Mr. Nipun Goel and Mr. Ashish
Choudhury, Advs.

versus

UNION OF INDIA & ANR

..... Respondents

Through: Mr. Anirudh Shukla, Govt. Pleader
for R-1.
Mr. Satish Aggarwala, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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22.02.2017

By this writ petition under Article 226 of the Constitution of India,
petitioner has prayed as under :-

i) To issue a suitable writ for directions and protection of the petitioners from the illegal harassment apprehended by the petitioners in the garb of purported investigation under section 14 of the Central Excise Act.

ii) Issue a suitable writ order or direction commanding the respondent no. 2 to give a copy of the statements recorded by respondent no.2.

AND

iii) Pass such other order(s) or directions(s) as this Hon'ble Court deem fit and proper in the facts and circumstances of the case and in favour of the petitioner.

It is alleged in the petition that petitioner no.1 is the proprietor of M/s

Raj Products which is engaged in the manufacturing of Pan Masala. The said firm is duly registered with the Central Excise Department. On 16th September, 2016 officers of DGCEI carried out a search operation in the said firm of the petitioner in one of its unit which is situated at industrial area, Patparganj, New Delhi. Documents were seized under panchnama of even date. Raw materials were also seized. Petitioners were taken to the office of DGCEI on 17th September, 2016. They were forced to tender an inculpatory statement. Petitioners were produced before the Duty Magistrate. Thereafter, petitioners were arrested and produced before the learned CMM, New Delhi on 18th September, 2016 and were remanded to judicial custody. Petitioners were granted bail under Section 167(2) Cr.P.C. after 60 days subject to furnishing a personal bond in the sum of ₹1 lac with one surety in the like amount.

From the above narrated facts itself, it appears that raid was conducted by the officers of DGCEI and consequent actions have been taken, inasmuch as, petitioners were arrested and produced before the CMM, New Delhi and remanded to judicial custody. Their bail was dismissed on merits. They were subsequently released on bail under Section 167(2) Cr.P.C. It is also borne out from the record that respondent had filed an

application for cancellation of bail on the ground that petitioners were not cooperating in the investigation. In the counter affidavit, it is stated that petitioners assured the trial court that they would join the investigation, consequently, the application for cancellation of bail was disposed of.

In the above facts, I am of the view that no case of illegal harassment is made out.

Petition is dismissed.

A.K. PATHAK, J.

FEBRUARY 22, 2017

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