

2 This is an application under Section 439 Code of Criminal
Procedure. The applicant herein is arrested on 21st May 2018 and
was remanded to Judicial custody on 27th May 2018.

3 It is the case of the prosecution that the applicant happens to be a customs clearing agent. He has indulged into mis-declaration and evasion of customs duty and moreover aiding and abetting certain importers in evading customs tax.

4 Learned counsel for the applicant has drawn attention of this Court to the report filed by the customs agency before the Magistrate, which indicate that the applicant appears to be a beneficiary in the said case. The goods were imported by Alok Kapadia and Ramesh Patel with the involvement of the applicant and using the IEC's, which were prepared by the involvement of Sant Singh and Vishal Gamre. Learned counsel, Mr. Venegaonkar fairly admits that the present applicant is the only person in custody. As far as the particular consignment, which was detected by the customs agency, the customs duty has been paid by Alok Kapadia and Ramesh Patel with penalty. Their statements were recorded. Sant Singh and Vishal Gamre have not been arrested. It is, in these circumstances that the applicant deserves to be enlarged on bail.

5 The observations are prima facie in nature and shall not be considered for discharge application or at the time of trial. Hence, the order :

ORDER

- i) The application is allowed.
- ii) The applicant be enlarged on bail on furnishing P.R. bond in the sum of Rs.1,00,000/- with one or more solvent sureties in the like amount.
- iii) The applicant shall co-operate with the investigating agency as and when called and shall not leave Maharashtra and Gujarat states for a period of One year and subsequently he shall not leave Maharashtra and Gujarat without prior permission of the Court.

(Smt. Sadhana S. Jadhav, J)