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

+ **CRL.M.C. 357/2018**

**DIRECTORATE OF REVENUE INTELLIGENCE.....** Petitioner

Through: Mr.Sanjeev Narula, Sr. Standing  
Counsel for Custom with Mr.Sunil  
Dalal and Mr.Abhishek Ghai, Advs.

versus

**ZEBA URFI**

..... Respondent

Through: Mr.V.S. Negi with Mr.Hemant Shah,  
Advs.

**CORAM:**

**HON'BLE MR. JUSTICE R.K.GAUBA**

**ORDER**

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**25.09.2018**

The petitioner Directorate of Revenue Intelligence (DRI) on the basis of some input had made a seizure, *inter alia*, of 31.956 kgs of gold, 43.5 kgs of saffron and about 20640 sticks of foreign origin cigarette of the total market value statedly of Rs.11 crores at 28.08.2017, 29.08.2017 and 30.08.2017, leading to the arrests of Kedar, Gaurav and Irfan Khan. It is stated that upon being interrogated, and their statements under Section 108 of the Customs Act, 1962, being recorded, it was brought to light that the first two were employees of M/s. Zeba Agro Pvt. Ltd. the respondent herein being one of its directors.

The DRI officials then had cause to issue notice under Section 108 of the Customs Act, 1962 to the respondent. She, feeling apprehension about the possibility of arrest, approached the Court of Sessions by bail application No. 3346/2017. The said application for anticipatory bail was registered

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by the petitioner-DRI. The prayer was granted by the Additional Sessions Judge vide order dated 04.12.2018 which was challenged by the petition at hand invoking the inherent power under Section 482 of the Criminal Procedure Code, 1973 (Cr.P.C.) read with Article 227 of the Constitution of India, primarily, on the ground that there was no reason for apprehension of arrest at such stage, the application itself being not maintainable.

During the course of hearing, however, it is fairly conceded by the counsel for DRI that probe into the matter by DRI has reached conclusive stages, it having readied the complaint to be presented before the competent court of criminal jurisdiction for prosecution for offences, *inter alia*, punishable under Sections 132, 135 and 136 of Customs Act, 1962, allegations to be made on the basis of the material which has been gathered against the respondent as well. Learned counsel also fairly submitted that in the wake of impugned order, the respondent has joined the investigation on all occasions when she was called for the purposes.

Learned counsel on both the sides fairly agreed that upon the complaint and in the event of process being issued by the Court of Magistrate thereupon, the respondent will be obliged to appear and then apply for release on regular bail to regulate her presence during the proceedings on such complaint. In this view, it would be proper that the contentions raised by the petitioner in the petition at hand against the release of the respondent on bail are reserved to be agitated before the Court of Magistrate at the time of consideration of the application of the respondent

for release on regular bail for which, of course, the occasion would arise only in the event of the Magistrate taking cognizance and issuing process. Ordered accordingly.

Needless to say, it may be added to allay the apprehension of the petitioner as expressed at the hearing, that while considering the application for release on regular bail, the concerned criminal court will not feel bound or be influenced by the expression of opinion on merits of the allegations or about the nature of the crimes involved as appearing in the impugned order.

Petition is disposed of in the above terms.

**R.K.GAUBA, J.**

**SEPTEMBER 25, 2018**  
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