

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26471 of 2021

Arising Out of PS. Case No.-11 Year-2020 Thana- D.R.I District- Muzaffarpur

Shri Navratna Soni S/O Parasmal Soni Resident Of Near Teresa Rai Temple,
Sonaron Ka Baas, P.O. And P.S.-DESNOCK, Bikaner, Pin-334801, District
Bikaner, Rajasthan.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Krishan Jha
For the Union of India : Mr. Anshuman Singh
For the Opposite Party/s : Mr.Satyadev Singh Yadav

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 02-09-2021 This matter is taken up for consideration through
Video Conferencing.

Heard both parties.

The petitioner seeks bail in DRIF No. 718(II)11-
seizure/MRU 490 of 2020, registered for the offence punishable
under Section 135(i)(a)(b) of the Customs Act, 1962.

As per the prosecution case, on a tip-off raid was
conducted and petitioner was intercepted from Room No. 101 of
Hotel Parvati Residency near Bariya Bus Stand, Muzaffarpur
and 2 KG and 900 Gms of gold biscuit has been recovered from
possession of this petitioner.

It is submitted on behalf of the petitioner that nothing
has been recovered from conscious possession of this petitioner.
As per the written report of the informant this petitioner is
carrier and the gold was given by one co-accused Radhe Shyam
Soni for carrying it. It is further submitted that recovered gold is



not smuggled goods rather it is Indian gold. Chargesheet has already been submitted on 12.02.2021. Petitioner is in custody since 17.12.2020 having clean antecedent.

Counsel for Union of India vehemently opposed the bail application and submitted that huge quantity of gold was recovered from possession of this petitioner. By carrying out such an act of smuggling they evaded duty amounting to Rs 60,28,195/-. Confiscation proceeding has already been initiated.

Considering the facts and circumstances of the case, the petitioner above-named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate XIII-cum-Special Judge, Economic Offence, Muzaffarpur in connection with DRIF No. 718(II)11-seizure/MRU 490 of 2020, subject to following conditions:-

(i) The petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.



(ii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Prabhat Kumar Singh, J)

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