

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27603 of 2021

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

SUBHASH CHANDRA SONI, SON OF BABULAL SONI, Resident of Mohalla - Near Chopra School Transformer, New Lane, P.O. and P.S. - Ganga Sahar, Bikaner, PIN Code - 334401, District - Bikaner (Rajasthan).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Raj Krishan Jha, Advocate
For the Union of India	:	Mr. Anshuman Singh, Advocate
For the State	:	Mr. Navin Kumar Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 13-09-2021

Heard the parties in virtual Court.

Let the defect(s), if any, be removed within four weeks after start of the physical Court.

Petitioner seeks bail in a case registered for the offences punishable under Sections 135(i)(a)(b) of the Custom Act, 1962.

According to FIR, from possession of this petitioner and co-accused Navratna Soni gold biscuits bearing foreign marks were recovered and it is alleged that they were involved in smuggling of gold causing loss to the custom duty.

Learned counsel for the petitioner submits that co-accused Navratna Soni has already been allowed bail by a Coordinate Bench of this Court vide order dated 02.09.2021 passed in Cr. Misc. No. 26471 of 2021 (Annexure-3).

Mr. Anshuman Singh, learned counsel for the Union of India vehemently opposed the prayer for bail on the basis of material



available on the record and further submits that the case of the petitioner is distinguishable from that of Navratna Soni as the petitioner was person who had persuaded Navratna Soni to be involved in the business of smuggling.

Petitioner is in custody since 17.12.2020. Petitioner has got no criminal antecedent. Case of the petitioner stands on similar footing to that of Navratna Soni.

Hence, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with DRIF No. 718(II)11-Seizure/MRU 490 of 2020, subject to the following conditions:-

(a) The petitioner shall fully cooperate with the investigation/trial of the case, failing which the learned court below shall be at liberty to cancel the bail bond of the petitioner.

(b) Both the bailors shall be resident of territorial jurisdiction of the learned court below.

(c) The petitioner shall not leave the country without permission of the learned trial court.

(Birendra Kumar, J)

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