

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31061 of 2021

Arising Out of PS. Case No.-15 Year-2020 Thana- D.R.I District- Patna

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Ravi Hareshlal Chugh aged about 32 years, male, Son of Late Hareshlal Chugh Resident of Chawl No. A, Room No. 6, New Neelkanth Colony, Opposite Chirag Hotel, Ulashnagar, P.S.- Headline Police Chowki, District- Thane Maharashtra Pin Code 421005

... .. Petitioner/s

Versus

The Union of India through the Intelligence Officer, Directorate of Revenue Intelligence Regional Unit, Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Madan Mohan, Adv.
For the Opposite Party/s :	Mr. K.N. Singh, Additional Solicitor General with Mr. Ravindra Kumar Sharma CGC

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 01-11-2021 Heard learned counsel for the petitioner and the State.

In view of order dated 07.10.2021 passed in SLP (Crl.) No. 7606 of 2021, the matter was listed out of turn for consideration on the point of bail.

The petitioner prays for grant of regular bail in Complaint Case No. 23(C)/2020 arising out of Official Complaint vide Unit Case No. 12/2020 registered for the offence punishable under Sections 135(1)(b) of Customs Act.

As per the prosecution case, six biscuits weighing 1kg worth about rupees 60 lakhs has been recovered from the possession of this petitioner.

It is submitted on behalf of the petitioner that nothing



has been recovered from the conscious possession of this petitioner. The gold allegedly recovered from the possession of this petitioner is less than one crore in value and, therefore, comes within the purview of a bailable offence. Mandatory provision with regard to search and seizure has not been followed. Charge sheet has already been submitted in this case. Petitioner has got no criminal antecedent and he is in custody since 03.12.2020.

Learned counsel for the petitioner submits that he has already forwarded copy of the rent agreement regarding the residential premises, in which he is now residing. Such submission has been advanced as the learned counsel for the Union of India on the earlier occasion had raised an issue that the address of the petitioner appears to be doubtful as someone else was found residing there. The petitioner's counsel submits that his mother still resides at the earlier address, which was available with the DRI officials since before. The petitioner is now residing at the premises in respect of which agreement dated 27.01.2020 has been brought on record. The address communicated therein is Flat No.401, Manas Tower, Near Kapleshwar Temple, O.T. Section Ulhasnagar-421005, Dist Thane, (M.S.).



However, learned counsel appearing on behalf of the Union of India vehemently opposed the bail application and submitted that altogether 1 Kg. 900 gm. of gold has been recovered from the possession of this petitioner along with one co-accused Sunil Raju Lund and the total value of recovery is, therefore, more than one crore. It is further submitted that confiscation proceeding has already been initiated.

The learned counsel for the Union of India, however, submits that in the event this Court is inclined to allow the prayer, the wife of the petitioner, who has sworn the affidavit in the instant proceedings, may be directed to stand as a bailor. Such submission is not objected to by the petitioner's counsel who submits that in the event the petitioner is granted bail his wife would stand as one of the bailors. Prayer for bail is also made on ground of parity with co-accused Sunil Raju Lund who has already been allowed bail in Cr. Misc. No. 30380 of 2021. There being no distinction between the allegation against the two persons, it is submitted that the petitioner be also granted the privilege of bail subject to the condition that his wife would stand as one of the bailors.

Considering the facts and circumstances of the case and the quantity of recovery and also the period of custody



coupled with the fact that petitioner has got clean antecedent this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed. Let the petitioner, above named, be released 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 Special Judge, Economic Offence, Patna, in connection with Complaint Case No. 23(C)/2020 arising out of Official Complaint vide Unit Case No. 12 of 2020, subject to the following conditions:-

(i) That one of the bailors will be wife of the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled

(Madhuresh Prasad, J)

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