

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION (APL) NO. 98 OF 2021**

Gautam Subhash Chandra Bhansali & Anr. ... Applicants
V/s.
Union of India & Anr. ... Respondents

Ms.Yogita Gogar for Applicants.
Mr.J.B. Mishra for Respondent No.1-UOI.
Mrs.Rutuja Ambekar, A.P.P. for Respondent-State.

CORAM : A.S. GADKARI, J.

DATE : 25th June 2021.

(Through Video Conferencing)

PC. :

1. This is an application under Section 482 of the Criminal Procedure Code for quashing and setting aside Remand Application No. 28/RA/2015 and for discharge of bail bond furnished by the Applicants along with conditions imposed thereof while granting bail in Bail Application No.228/BA/2015 by Order dated 21st July 2015 passed by the learned Additional Chief Metropolitan Magistrate, 19th Court, Esplanade, Mumbai.

2. Heard Ms.Gogar, learned Advocate for the Applicants, Mr.Mishra, learned counsel for the Respondent No.1-UOI and Mrs.Ambekar, learned counsel for the Respondent No.2-State. Perused the record.

3. Record indicates that, the Applicants were arrested by Respondent No.1 on 7th July 2015 in Customs File No.II/MPIU-II/07/M&P/2014/802 & 803 and on 8th July 2015 were produced before the learned Additional Chief Metropolitan Magistrate, 19th Court, Esplanade, Mumbai with Remand Application No. 28/RA/2015. The Applicants filed application for bail bearing Bail Application No.227/BA/2015 in the said Remand Application. The learned Magistrate by its Order dated 21st July 2015 was pleased to release Applicants on bail by imposing certain conditions.

Condition No. (v) of the said Order dated 21st July 2015 reads as under :-

“(v) The accused is further directed to surrender his passport within 24 hours from his release with Inspector of Customs (Preventive), Marine & Preventive Wing, Mumbai and shall not travel abroad without prior permission of the Court. The accused is further directed to submit the compliance report within 48 hours about surrender of the passport.”

4. It is the further admitted fact on record that, till today the Respondent No.1 has not filed complaint in the matter. After filing of the present Application on 28th January 2021, Show Cause notice as contemplated under Section 112 (a) & (b) and 117 of the Customs Act, 1962 has been issued to the Applicants by the Respondent No.1.

5. Ms.Gogar, learned counsel for the Applicants submitted that, the Applicants are in need of their Passports for their business purpose and the same may be returned to them.

6. In view thereof, the Passport surrendered by the Applicants in pursuance of Order dated 21st July 2015 passed by the learned Magistrate can be returned to them during the pendency of the adjudication proceedings of the said notice issued by the Respondent No.1.

The Inspector of Customs (Preventive), Marine & Preventive Wing, Mumbai is hereby directed to return Passports of the Applicants to them on receipt of the present Order.

Rest of the conditions imposed by the Trial Court by its Order dated 21st July 2015 including condition that, the Applicants shall not travel abroad without prior permission of the Trial Court are maintained.

7. Application is allowed in the aforesaid terms.

[A.S. GADKARI, J.]