

THE HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.660 of 2021

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by petitioner seeking to grant anticipatory bail in the event of his arrest in Cr.No.F.No.DRI/HZU/48D/ENQ-18(INT-NIL)/2020 on the file of the Directorate of Revenue Intelligence, Zonal Unit, Hyderabad, registered for the seizure of smuggled gold of 10.709 kgs from the employees of M/s.Sri Krishna Bullions.

2. Heard learned counsel for the petitioner and Sri B. Narasimha Sharma, learned Special Public Prosecutor for the respondent and perused the material on record.

3. Learned counsel for the petitioner submits that the petitioner has been summoned by respondent only for extraneous reasons and that the petitioner is aged about 23 years and he was beaten by the officials of the respondents in front of his mother to give the statements implicating himself and his father. He further submits that the persons from whom the alleged gold seized were already granted regular bail and his father was also granted anticipatory bail. He further submits that the petitioner is a permanent resident of Warangal having movable and immovable properties and he is a law abiding citizen and he is ready to abide by any condition that may be imposed by this Court in the event of his enlargement on anticipatory bail.

4. Learned Special Public Prosecutor appearing for the respondent, while reiterating the counter averments, submits that the smuggled gold of 10.709 kgs has already been seized by the respondent and that the investigation in this case is completed and a show cause notice under

Section 124 of the Customs Act, 1962, was also issued to petitioner. He further submits that notice under Section 41-A Cr.P.C., has already been issued to the petitioner.

5. Since it is stated that the respondent has issued notice under Section 41-A Cr.P.C., to the petitioner, it would be appropriate to direct the petitioner to comply with the said notice as per the directions of the Apex Court in ***Arnesh Kumar v. State of Bihar and another***¹. The petitioner is also directed to appear before the respondent as and when notices are issued to him for the purpose of further investigation, if any.

6. With the aforesaid directions, the Criminal Petition is disposed of.

7. Miscellaneous applications, if any pending in this criminal petition, shall stand closed.

11th February, 2021

sj

JUSTICE G.SRI DEVI

¹ AIR 2014 SC 2756