

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44480 of 2021**

Arising Out of PS. Case No.-24 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

Sanjay Babaso Katarar Son of Babaso Nivrutti Katarar Resident of Village
and P.O.- Nelkaranji, Taluka - Atapadi, P.S.- Atapadi, Distt.- Sangli,
Maharashtra - 415308

... .. Petitioner/s

Versus

The Union of India New Delhi

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Madan Mohan, Advocate Pallavi Pandey, Advocate
For the Opposite Party/s :		Mr.K.N.Singh (A.D.S.G) Mr.Sujit Kumar Sinha

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

4 08-02-2022 At the outset, learned counsel for the petitioner seeks
permission to make correction in paragraph – 1 and prayer
portion of the bail petition.

Permission is accorded. It may be done within a
period of two weeks after resumption of Court in physical
mode.

Heard learned counsel for the parties through video
conferencing.

The petitioner seeks bail in Complaint Case No. 24(C)
of 2020, arising out of DRI/LZU/PRU/718(ii)/ENQ-16/2020,
registered for the offence punishable under Sections 7, 11, 46 &
47 of the Custom Act.

As per the prosecution case, 4316.380 gm of foreign



origin gold valued at Rs. 2,25,62,797/-, smuggled from Myanmar into Indian origin was recovered from the possession of the petitioner.

It is submitted on behalf of the petitioner that no incriminating article has been recovered from the conscious possession of this petitioner. Petitioner, having clean antecedent, is in custody since 05.12.2020. Chargesheet has already been submitted and there is no allegation of tampering with the evidence against this petitioner.

However, learned counsel for the Union of India (DRI) vehemently opposed the bail petition and submitted that the petitioner has given statement under Section 108 of the Custom Act, wherein he has admitted his involvement in the smuggling and possession of the said gold. It is further submitted that the petitioner also admitted that in past also, he had smuggled gold many times.

Considering the aforesaid facts and circumstances as well as period of custody, let the above named petitioner 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 learned Presiding Officer (Special), Economic Offences Court at Patna / concerned court in connection with



Complaint Case No. 24(C) of 2020, arising out of
DRI/LZU/PRU/718(ii)/ENQ-16/2020, on the following
conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below / investigating agency and shall remain physically present, as directed by the court below / investigating agency, and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the court below.

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

(Prabhat Kumar Singh, J)

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