

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO.326 OF 2022

Bipin S/o Lira Nor .Vs. Directorate of Revenue Intelligence, Nagpur Regional Unit,
Seminary Hills, Nagpur

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri D.V. Chauhan, Advocate for the applicant.

Shri S.N. Bhattad, A.P.P. for the non-applicant.

CORAM : ANIL S. KILOR, J.

DATED : 29/08/2022

1. The applicant is seeking pre-arrest bail in case File No.DRI/MZU/NRU/ENQ-22/2022/68, for the offences punishable under Sections 132 and Sections 135(1) (a) and (b) of the Customs Act, 1962.

2. The case of the prosecution is that on information received by the non-applicant that the applicant was importing old and used Multi-functional Peripheral Devices (Photocopier cum Printer) which are prohibited goods under the Customs Act, 1962 and thereupon examination of goods, it was found that in the Bill of Entry total declared goods were 212 Multi-functional Peripheral Machines (Refurbished), however, it was old and used Multi-functional Peripheral Machines (Photocopiers cum Printers) of different brands along with 4 Print Controller and 1 Print Finisher. Accordingly, the above referred offence came to be registered.

3. Shri Chauhan, learned counsel for the applicant submits that all the relevant documents of the goods are in possession of the non-applicant and similarly, goods have also been confiscated. Thus, he submits that, in the circumstances, custodial interrogation of the applicant is not necessary.

4. The learned counsel for the applicant further submits that, there are circulars time to time issued by the Government of India and as per the circulars, the goods which have been confiscated by the non-applicant, are not the prohibited goods. Thus, he submits that, there is a dispute, whether the goods are prohibited or not. He, therefore, submits that it will require adjudication but in any case, for this purpose, custodial interrogation of the applicant is not necessary. Accordingly, he prays for grant of pre-arrest bail.

5. On the other hand, Shri Bhattad, learned counsel for the non-applicant strongly opposes the present application and submits that the applicant had imported prohibited goods and thereby, he has committed offence. Accordingly, he prays for rejection of the present application.

6. I have perused the Case Diary and the Application.

7. Considering the allegations made in the Case File and the various circulars filed on record and the nature of dispute involved in the present application, I am of the opinion that, in the light of the fact that all the relevant documents are in possession of the non-applicant and the goods have already been confiscated, custodial interrogation of the applicant is not necessary, in this case. Accordingly, I pass the following order:

- a) The criminal application is **allowed**.
- b) It is directed that in the event of arrest of the applicant in case File No.DRI/MZU/NRU/ENQ-22/2022/68, for the offences punishable under Sections 132 and Sections 135(1)(a) and (b) of the Customs Act, 1962, the applicant shall be released on bail on furnishing P.R. Bond of Rs.15,000/- with one solvent surety in the like amount.
- c) The applicant shall attend the concerned Police Station as and when his presence is required.
- d) The applicant shall not tamper with the prosecution witnesses.

The criminal application is **disposed of** accordingly.

[ANIL S. KILOR, J.]