



CRL.O.P.No.29541 of 2022

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WEB CO **T.V.THAMILSELVI,J.**

The petitioner who was arrested and remanded to judicial custody on 15.10.2022 for the offence punishable under Sections 135 of the Customs Act, 1962 in connection with R.R.No.26 of 2022 in F.No.DRI/CZU/VIII/48/Enq-1/INT-47/2022, seeks bail.

2. The case of the prosecution is that the petitioner is a proprietor of a firm under the name and style of "M/s.NIVT Trading". The petitioner in the course of business places orders with their foreign supplier for supply of "processed palm broom" in bulk packings. After confirmation of the transaction and payment made, the goods in question stuffed in three containers arrived at Chennai Sea Port. The petitioner through its business entity filed Bill of Entry availing the services of one VJP Shipping India Pvt. Ltd., Chennai, a Customs Broker, represented by one Shri.Vallaraj, who was arrayed as A2. After the bill of entry was assessed, the goods were moved to Calyx CFS on 13.10.2022. It is alleged that the officers attached to the respondent on specific information conducted search and seizure proceedings on 13.10.2022, leading to recovery of areca nuts totalling 45.41



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MTs from the containers kept allegedly concealed behind the declared cargo.

Thereby, the petitioner and A2, who is said to be a clearing agent were remanded to judicial custody on 15.10.2022.

3.The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He would submit that the petitioner had filed bail application before the learned Additional Chief Metropolitan Magistrate (E.O-1), Egmore in Cr.M.P.No.164 of 2022 and the same was dismissed on 08.11.2022. Aggrieved by the dismissal order, the petitioner had filed another bail petition before the learned Principal Sessions Judge, Chennai in Crl.M.P.No.22446 of 2022 and the same was also dismissed vide order dated 24.11.2022. He would further submit that A2 who is a clearing agent had been released on bail by the trial Court and that the petitioner is in custody from 15.10.2022. Hence prays for grant of bail.

4.The learned Government Advocate (Crl.Side) would submit that upon verification, it was found that the importer of the said consignment



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was M/s.NIVT Trading and the goods were declared as "Processed Palm Broom" in bulk packing under CTH 9603 1000. The value and gross weight of the goods declared in Bill of Entry was Rs.37,51,990/- and 75,500 Kgs respectively, consisting of 1500 packages. He would submit that as per the confession given by the petitioner, it was found that two more accused are still absconding and that the investigation is pending.

5. Considering the gravity of offence committed by the petitioner and that the investigation has not been completed and also considering that two more persons at large has to be arrested, this Court is not inclined to grant bail to the petitioner.

6. Accordingly, the Criminal Original Petition is dismissed.

06.12.2022

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