

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION NO.10226 OF 2021

ORDER:-

This petition is filed under Sections 437 and 439 of Code of Criminal Procedure, 1973 (for short "Cr.P.C") seeking regular bail to the petitioner/accused in connection with HQPOR No.61 of 2021-Cus.Prev. (HQPOR No.34 of 2021-Comp.No.) of Principal Commissioner of Customs, Customs Commissionerate, Hyderabad, wherein the petitioner/accused is alleged to have committed the offence punishable under Section 135 of the Customs Act, 1962.

2. The case of prosecution is that the petitioner has carrying gold valued at Rs.1,11,99,337/- from Flight No.A1952 travelling from Dubai to Hyderabad and the customs officials of Rajiv Gandhi International Airport caught hold the petitioner and seized the above Gold.

3. Heard Mr.Y.Koteswara Rao, learned counsel for the petitioner, and Mr.B.Narasimha Sarma, learned Special Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioner submits that the petitioner is aged about 49 years and she came to India as an assistant to Hanan Mirghani Ali Osman, who is suffering with kidney disease. He submits that the petitioner is falsely implicated in this case. It is submitted that she was arrested and remanded on 11.12.2021 and ever since she has been languishing in jail. It is further submitted that she has been issued

show-cause notice under Section 124 of the Customs Act. The petitioner is ready to cooperate with the investigation. As the petitioner is languishing in jail, it is difficult for her to send suitable reply to the show-cause notice. Hence, the petitioner's case may be considered for grant of bail.

5. On the other hand, learned Special Public Prosecutor submits that they have filed an application before the Court below for extension of remand and the same was extended for a period of two weeks. He submits that it is a case of seizure of gold worth more than Rs.1 Crore. As the investigation is pending, the petitioner is not entitled for bail. However, he does not dispute the fact that show-cause notice under Section 124 of the Customs Act was issued to the petitioner and as per the show-cause notice, the petitioner has to answer about confiscation of the seized gold and penalty to be imposed under Section 112 of the Customs Act for improper importation of goods, etc. He submits that the petitioner has contravened the provisions under Customs Act. He further submits that if the petitioner enlarged on bail and leaves the country, it is very difficult for the prosecution to secure her presence during the course of trial. Hence, the petitioner is not entitled for bail.

6. Admittedly, show-cause notice under Section 124 of the Customs Act was issued to the petitioner, where within 30 days the petitioner has to submit suitable reply. If the petitioner is continued to be in prison, it

is difficult for her to submit the reply and to continue further proceedings.

7. Taking all the factors into consideration and balancing the interest of both the parties, this Court deems it appropriate to grant bail to the petitioner/accused on certain conditions.

8. Accordingly, this Criminal Petition is allowed and the petitioner/accused shall be enlarged on bail on her executing a personal bond for a sum of Rs.50,000/- (Rupees fifty thousand only) with two sureties for a like sum each to the satisfaction of the Special Judge for trial of cases under Economic Offences Act, Hyderabad. The petitioner shall cooperate with the investigation and shall not leave the country without prior permission of the concerned Court. As already petitioner surrendered her passport before the Court below, it should continue to remain until further orders. The petitioner shall appear before the Customs Authority as and when her presence is required and in this regard, prior notice shall be given to her.

LALITHA KANNEGANTI, J

Date :19.01.2022

mar

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

Allowed
anticipatory

CRIMINAL PETITION No. 4767 of 2021

01.09.2021

IKN