

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79131 of 2023

Arising Out of PS. Case No.-11 Year-2023 Thana- D.R.I District- Patna

NITIN AGRAWAL Son of Late Nand Kishor Chand Agrawal R/o J-12/78, B-7 Chandra Tower, Naati Imli, P.S. - Jaitpur, Distt. - Varanasi, U.P., C/o M/s Nitin Jewellers, CIC 17/24 Thatheri Bazar (near Ram Bhandar), Varanasi (UP)

... .. Petitioner/s

Versus

The Union of India through Directorate of Revenue Intelligence Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Vaishnavi Singh
For the Opposite Party/s	:	Mr.Dr. K.N. Singh(Asg)
For the DRI	:	Mr. Anshuman Singh Sr SC, DRI

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 20-12-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 135(i)(a) and 135(1)(b) of the Custom Act, 1962.

3. As per prosecution case, four co-accused persons are said to have been apprehended from Farakka Express train no. 13483, from whose possession, total 3.0371 kg of gold costs of Rs. 1,82,01,340/- was recovered. The apprehended accused persons disclosed the name of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has



falsely been implicated in this case. The petitioner was not apprehended at the spot. No any incriminating material has been recovered either from possession of the petitioner or from his shop although the complainant has stated that the DRI officials have searched the shop of the petitioner. It is also submitted that the any statement made before the DRI officials is inadmissible in evidence as held by the Special Bench of the Hon'ble Supreme Court in case of Tofan Singh Vs State of Tamilnadu as reported in (2021) 4 SCC 1 as well as Surendra Singh Khanna Vs Intelligence Officer, DIR as report in AIR 2018 SC 3574. The petitioner has got no criminal antecedent and he is languishing in judicial custody since 22.8.2023.

5. Learned counsel appearing on behalf of DRI has vehemently opposed the prayer of regular bail and submitted that the petitioner has confessed his guilt under section 108 of Custom Act and claimed that the said recovery of gold belongs to him.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody period of the petitioner, this court is inclined to enlarge him on bail. The above named petitioner is directed to be released on bail in connection with Complaint Case No. 72(O)



of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Economic Offence Patna.

(Sunil Kumar Panwar, J)

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