



Crl.O.P.No.1427 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2023

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THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.1427 of 2023

1. Mohamed Noorul Huusain

2. Abu Bakkar

... Petitioners

Vs.

Directorate of Revenue Intelligence,
(Represented by Senior Intelligence Officer),
27, G.N.Chetty Road, T.Nagar,
Chennai – 600 017.
(R.R. No.30 of 2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners on bail for the alleged offences under
Sections 135(1)(a) and 135(1)(b) which is an offence punishable under
Section 135(1)(i)(a) for contravening the Provision of Section 111(d), 111(i),
111(1) and 111(m) of Customs Act, 1962 in connection with R.R.No.30 of
2022 pending investigation on the file of the respondent.

For Petitioners : Mr.Durai Kannan

For Respondent : Mr.P.Vishnu
Special Public Prosecutor



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 14.12.2022 for the alleged offences punishable under Sections 135(1)(a) and 135(1)(b) which is an offence punishable under Section 135(1)(i)(A) for contravening the provisions of Section 111(d), 111(i), 111(1) and 111(m) of Customs Act, 1962, in R.R.No.30 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that based on the secret information about smuggling of gold from Muscat to Chennai, the respondent has intercepted the passengers and verified them, during which, the accused were in possession of 20 kilograms of cylindrical shaped yellow colour metal pieces concealed in electronic goods. Also 6000 grams of gold were found in the abandoned trolley bag. The total value of the gold attempted to be smuggled was Rs.14 Crores. Hence the case.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons, who were doing JCB spare parts business in Muscat for the past 8 years and they have been falsely implicated in this



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case. He further submitted that the petitioners are no way connected with the alleged occurrence and he also stated that the petitioners came to India to meet their family members and on believing a person at Muscat, they had carried the electronic goods even without knowing the fact that the gold has been concealed in their goods. He also reiterated that the petitioners were not aware of the gold concealed inside the home appliances and he unknowingly carried the same.

4. Learned counsel further submitted that the petitioners are in custody from 14.12.2022 and they are ready to abide by any stringent conditions that may be imposed by this Court. He further submitted that the similarly placed co-accused was granted bail by this Court in Crl.O.P.No.740 of 2023 dated 23.01.2023. He also stated that the passport of the petitioners is already in the custody of the respondent and hence, he prayed to grant bail to the petitioners.

5. Learned Special Public Prosecutor appearing for the respondent submitted that the petitioners along with the other accused were involved in smuggling of gold concealed in the electronic goods from Muscat to



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Chennai. He further submitted that the worth the gold smuggled by the accused is about Rs.14 Crores and also submitted that the tenth accused is still absconding and all others were secured and A6 were released on interim bail due to his marriage. Hence, he vehemently opposed to grant bail to the petitioners.

6. Heard the learned counsel for the petitioners and the learned Special Public Prosecutor for the respondent and perused the materials available on record.

7. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel for the petitioners and also taking note of the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail on their executing a separate bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with **two sureties** (out of which, one should be the blood surety, who should produce document to show his/her means), each for a like



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sum to the satisfaction of the **E.O.W-I, Egmore, Chennai**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioners shall report before the respondent Police on every Saturday at 10.30 a.m., for a period of three months and thereafter, as and when required for interrogation;

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]***;



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T.V.THAMILSELVI,J.

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[f] If the accused thereafter abscond, a fresh FIR
can be registered under Section 229A IPC.

25.01.2023

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To

1. The E.O.W-I, Egmore, Chennai.
2. The Senior Intelligence Officer,
Directorate of Revenue Intelligence,
27, G.N.Chetty Road, T.Nagar,
Chennai – 600 017.
3. The Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.

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