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Crl.O.P.No.12705 of 2023

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Reserved On	24.08.2023
Pronounced On	29.08.2023

RMT.TEEKAA RAMAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under **Section 135 of Customs Act, 1962 in F.No.DRI/CZU/VIII/48/ENQ-01/INT-18/2023** on the file of the respondent police, seeks anticipatory bail.

2. The petitioner is the son of Bakker Hussain. The respondent claims that they intercepted a person by name Shri Basheer Ahmed, Son of Hyder Ali on 8-9/5/2023 near his house at Mask 9, Hasthinapuram, Chennai and claim to have recovered from the said Basheer Ahmed gold in paste form weighing around 13,280 grams. The respondent also claims that the said Basheer Ahmed had come from Dubai vide Columbo.

3. On 09.05.2023, the respondent recorded a statement from the said Basheer Ahmed that he had been indulging in



smuggling of gold for a long time and that one Bakker Hussain and Senthil Kumar are also his associates in smuggling. The house of the petitioner was searched on the early hours of 09.05.2023.

4. After receipt of the summons dated 10.05.2023, the petitioner had appeared before the respondent and gave statement. As he apprehended arrest, he moved the above application and an interim protection was given by this Court on 27.06.2023 and subsequently, extended on 20.07.2023 and thereafter again on 07.08.2023.

5. Heard, Mr.B.Kumar, learned Senior counsel appearing for the petitioner.

6. He would contend that he is no way connected with the Bakker Hussain, who is the said to be a partner of Basheer Ahmed, who is A1. He graduated himself as an MBA and he is not aware about the whereabouts of his father Bakker Hussain.

7. Mr.N.P.Kumar, the learned Special Public Prosecutor for DRI cases would state that, notice under Section 108 of Customs Act has been served on the petitioner. As directed by this Court, he



has attended five hearings and his statements has been recorded.

The said statements recorded by the customs officials has also been produced and based upon the same, he would contend that though the petitioner has attended the enquiry, he has not cooperated for the investigation as he gave answers more irrelevant and after investigation, he agrees upon the facts discovered.

8. Hence, he would contend that as per the materials collected so far, the petitioner herein, who is the son of the above said Bakker Hussain, has played crucial role in sending hawala money to Dubai, where from gold has been illegally imported to Indian in the form of gold paste and hence, strongly opposed for grant of anticipatory bail to the petitioner and relied upon a judgement of the Hon'ble Supreme Court in *State of Gujarat Vs. Choodamani Parameshwaran Iyer & Anr. Etc.*

9. Considering the submissions made by the learned Special Public Prosecutor appearing for the DRI cases, it appears that the officials have intercepted the said Basheer Ahmed and which lead to the recovery of 14666 grams of gold in paste form,



concealed in various knee caps worn by him and the same was assessed at 13.28 Kgs of pure gold valued at Rs.8.28 Crores, seized under the mahazar on 08/09.05.2023 and a voluntary statement was recorded, where from Bakker Hussain, father of the petitioner herein and one Senthil Kumar, stated to be the total investment of the said property and alleged to have committed offence under Section 132 & 135 of Customs Act.

10. Since it is alleged that the petitioner has made a payment to the M/s. Babari Gold LLC through hawala channels from Chennai to Dubai, further investigation is necessary and taking into consideration the huge quantity of gold smuggling alleged to have been involved and transfer of money through hawala transaction, the angle of allegations under Foreign Exchange Management Act, 1999 is also has to be gone into and the matter is under investigation.

11. Hence, Considering the fact that the huge quantity of gold seized and the matter is under investigation and the alleged role said to have been played by the petitioner, I am not inclined to grant



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anticipatory bail to the petitioner.

12. Accordingly, this Criminal Original Petition is dismissed.

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mpl

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