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Crl.O.P.No.16241 of 2023

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Reserved On	22.08.2023
Pronounced On	25.08.2023

RMT.TEEKAA RAMAN,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 174, 175, 193, 195 and 228 of IPC in **F.No.DRI/CZU/VIII/48/ENQ-01/INT-10/2023** on the file of the respondent police, seeks anticipatory bail.

2. Mr.N.P.Kumar, learned Special Public Prosecutor for DRI cases filed an additional counter narrating the status of the investigation. He further stated that the petitioner is implicated as an accused for the offences under Sections 147, 175, 193, 195 and 228 of IPC in F.No.DRI/CZU/VIII/48/ENQ-01/INT-10/2023.

3. The learned Counsel for the petitioner submitted that according to the petitioner, he is running export and import business in the name and style of M/s. Crazy Enterprises under the provision of Customs Act, 1962. While so, on 06.04.2023 the respondent



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police issued a summon under Section 108 of the Customs Act asking the petitioner to appear on 10.04.2023 at 10.00 a.m. at the office of the respondent i.e., DRI, Chennai, No.27, G.N.Chetti Road, T.Nagar, Chennai. This is the 3rd anticipatory bail petition filed by the petitioner.

4. From the additional counter, I find that, one live consignment of the subject goods arrived in a container, have been examined under Mahazar proceedings dated 12.04.2023 by the officers of DRI in presence of independent witnesses, CFS Staff and Liner (M/s.Ti2 Shipping India Pvt Ltd) at M/s. Kailash Shipping Services Pvt Ltd, Chennai – 600103. The examination conducted revealed that the importer ingeniously concealed “Areca Nut in Split Form” in the consignment otherwise declared as “Broom Stick”. Thus, there appear to be mis-declaration of description of goods in the Bill of Lading filed for the import consignments arrived in one container, the illicitly imported Areca Nuts valued at Rs.3,07,94,434/- along with cover cargo of Broom Sticks valued at Rs.2,45,000/- seized under the provisions of Section 111(d), 111(f)



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& 111(i) of Customs Act 1962.

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5. In the voluntary statement dated 27.07.2023 of the petitioner, it was inter-alia stated that he is the proprietor of M/s.Crazy Enterprises; that M/s. Crazy Enterprises obtained IEC on the suggestion of his friend; that no sales/purchases were made in the name of M/s. Crazy Enterprises; that he received Cargo arrival Notice & Cargo non-clearance notice issued in the name of M/s. Crazy Enterprises (IEC No.ARBPR2906E) under his address No.7/4, Nakeerar Street, Vivekanantha Nagar, Kodungaiyur, Chennai, Tamil Nadu 600 018 by M/s. Ti2 Shipping India Pvt Ltd and acknowledged the same on 18.03.2023; that during the time of November or December 2022, one Shri. Mandiram Pillai showed him pictures of Areca Nuts from his mobile phone and stated that the Areca nuts were available for import to India.

6. He has shared his credentials including copy of IEC:ARBPR2906E of M/s. Crazy Enterprises to Shri Arulkumaran M in person; that the petitioner and Shri.Arul Kumaran M visited Mumbai in the second week of January 2023, where they met one,



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Shri. Uday Shetty along with Shri. Azeem Zaidi; that Shri.Arulkumaran M, Shri. Uday Shetty have discussed about the import of Areca Nut; that the petitioner accompanied Shri Arulkumaran to Mumbai for negotiations of sale of Areca nut to be imported by them; that to his belief and knowledge Shri. Arulkumaran is the investor/beneficiary of the said consignment of Areca Nut.

7. As a follow up investigation, statements have been recorded from various persons with regard to the alleged role played by the petitioner, arrayed at Paragraph Nos.9 & 10 of the additional counter.

8. Thus, the petitioner appears to have played an active role in the said smuggling of 26.50 MT Areca nuts imported from the import consignment by concealment & mis-declaration under Bill of Lading No.YGN/KAT/230264 in the name of M/s. Crazy Enterprises in container No.TIDU5224519 and alleged to have committed offence under customs Act.



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9. In view of the above averments made by Mr.N.P.Kumar, the learned Special Public Prosecutor appearing on behalf of DRI, I find that petitioner is not entitled for the relief of anticipatory bail at this juncture.

10. Hence, this Criminal Original petition is dismissed.

25.08.2023

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