



Crl.OP(MD)No.13788 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Dated: 08/08/2023

THE HON'BLE MR JUSTICE G.ILANGO VAN

Crl.OP(MD)No.13788 of 2023

1.Habeeb Nastrar
2.Mohamed Hasan

: Petitioners / Accused Nos.1 and 2

Vs.

The State rep by
The Inspector of Police,
Air Intelligent Unit,
Customs Airport Police Station,
Trichy District.
(O.R No.73 of 2023)

: Respondent / Complainant

For Petitioners : Mr.S.T.Sasidharan TamilKani, Advocate

For Respondent : Mr.C.Arul Vadivel @ Sekar
Special Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER:- For Bail in O.R No.73 of 2023 on the file of the respondent.

ORDER: The Court made the following order:-

The petitioners/A1 and A2, who were arrested and remanded to judicial custody, on 23/06/2023 for the offences punishable under sections 112 and 135(1)(b) of Customs Act, in OR No.73 of 2023 on the file of the respondent police, seeks bail.



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2.The case of the prosecution is that on 23/06/2023, DRI officials, Trichy and the Intelligence officers of the Air Intelligence Unit, Trichy, were keeping surveillance over the passengers arrived by Air Asia Flight from Kulalumpur. At that time, two persons namely passengers moved in a suspicious manner. Search was made and they were found in possession of foreign currency of various countries worth about Rs.57,441/- at the Indian Currency Rate and also found in possession of Wild Turtles valued about Rs.27,40,000/-. On the basis of the above occurrence, a case in O.R No.73 of 2023 was registered by the respondent for the offences under sections 112 and 135(1)(b) of Customs Act.

3.They were arrested and remanded to judicial custody.

4.Seeking bail, this petition has been filed. Without making any specific ground, they have simply stated that they are is in custody for more than a month.

5.Per contra, the learned Special Public Prosecutor appearing for the respondent would submit that the first petitioner namely Habeeb Nashtar is a habitual offender of similar offence, when he landed in Chennai Air Port from Malaysia.

6.So this shows that A1 is the habitual offender of the nature of this offence. So far as A2 is concerned, it appears that he was used by A1 for transporting the above said things to India.



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7.Considering the grievousness of the offence and the investigation is at the preliminary stage, the petitioners are not entitled for bail at this stage. If released on bail, they may tamper the investigating process.

8.In the result, this criminal original petition is dismissed.

sd/-
08/08/2023

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/08/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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To

1.The Inspector of Police,
Air Intelligence Unit,
Customs Airport Police Station,
Trichy District.

2.The Superintendent,
Central Prison,
Trichy.

3.The Special Public Prosecutor
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.SPECIAL PUBLIC PROSECUTOR, Advocate (SR-11970[I] dated
08/08/2023)



Crl.OP(MD)No.13788 of 2023

+1 CC to M/s.S.T.SASIDHARAN TAMILKANI, Advocate (SR-12034[I] dated
09/08/2023)

ORDER
IN
CRL OP(MD) No.13788 of 2023
Date :08/08/2023

ED/VRS/SAR-IV (17/08/2023) 4P / 6 C

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