

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19763 of 2024

Arising Out of PS. Case No.-361 Year-2022 Thana- ECONOMIC OFFENCES, BIHAR
District- Patna

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Manoj Singh @ Sardar Manoj Singh Son of Sardar Rameshwar Singh
Resident of Jani Bazar Gurudrawara Road, P.S.- Sasaram, Town- Sasaram,
Dist- Rohtas

... .. Petitioner/s

Versus

1. The Union of India through the Principal Commissioner Customs C.R. Building, B.C. Patel Path, Patna
2. The Deputy Director of Revenue Intelligence C.R. Building, B.C. Patel Path, Patna
3. The Director Revenue Intelligence C.R. Building, B.C. Patel Path, Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Akhilesh Verma, Adv.
For the Opposite Party/s :	Mr. Anshuman Singh, Sr. S.G. Mr. Ranjay, Adv.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 18-04-2024 1. Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the D.R.I.

2. The petitioner apprehends his arrest in connection
with Economic Offence (Customs) Case No.361© of 2022,
registered for the offence punishable under Sections 135(1)(a) &
135 (1)(b) for violation of Sections 7, 46, and 47 of the Customs
Act, 1962 read with Section 3(2) of the Foreign Trade
(Development and Regulation) Act, 1992, pending in the court
of learned Special Judge Economic Offences-cum-Sub-Judge-1,
Patna.



3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and has been falsely implicated in the instant case by the informant. It is next submitted that as per Section 135 of the Customs Act, any seizure of gold made up to Rs.1 Crore is bailable but in the present case the petitioner has been implicated based on confessional statement and gold was seized from three different places and cumulatively it has been alleged that 1982.340 grams of gold was apprehended which was smuggled from Bangladesh. It is further submitted that the petitioner came to be implicated in the instant case based on confessional statement of apprehended accused in police custody, which does not have any evidentiary value. The learned counsel next draws the attention of the court to an order dated 29.02.2024 in Cr. Misc. No.72548/2023 (Raj Kumar Vs. The Union of India & Ors.) to submit that Raj Kumar was also implicated in the instant case based on confessional statement of apprehended accused but was granted the privilege of anticipatory bail by a learned Co-ordinate Bench, thus seeking parity, the petitioner also seeks anticipatory bail.

4. Learned counsel appearing on behalf of the D.R.I. submits that perhaps what escaped the attention of the learned



counsel for the petitioner is that Raj Kumar was granted the privilege of anticipatory bail after the learned co-ordinate Bench took into consideration all the material documents which were brought on record to demonstrate the he is a businessman and was dealing in gold and had purchased the gold and the biscuits after paying proper income tax, on the contrary, there is nothing in the present anticipatory bail application to even remotely suggest that as to what the petitioner does.

5. Considering the submissions made by the learned counsel for the D.R.I., the Court is not inclined to extend the privilege of anticipatory bail to the petitioner.

6. Accordingly, the present anticipatory bail of the petitioner is rejected.

(Satyavrat Verma, J)

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