

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29396 of 2023

Arising Out of PS. Case No.-3 Year-2020 Thana- CUSTOM (GOVERNMENT OFFICIAL)
District- Patna

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1. Ms. Aye Thidar Daughter Of Usan Aye Resident Of No. 11, Kanbaung, Quarter Minga Lartaungngunt, Yangon, Myanmar
 2. Ms. Ni Ni Lwin Daughter Of Usari Yone Resident Of No. 855 , 3 Quarter Stiurandaing, Sir, Dagonmyathit, Yangoon Myanmar
 3. Ms. Aye Sandar @ Ms Aye Sandar Daughter Of Usan Aye Resident Of No. 881, 9 Quarter Yandanarbon, Street, Tharlogta, Yangon, Myanmar
 4. Ms. Nwe Ni Than Daughter Of Utlla Than Flat No. 1194, Yadnarbon Street, Thakata Township, Yangoan, Myanmar
 5. Ms Khin Thidar Tun Daughter Of Utun Yin Resident Of No. 208, 6 Quarter Inwa Road, South Okkalapa Township, Yangoan, Myanmar, All Presently Residing At Burmese Vihara Monastery, Pacchati Main Road, Bodhgaya Ps- Bodhgaya Distt- Gaya

... .. Petitioner/s

Versus

1. The Union Of India Through The Principal Chief Commissioner Of Customs India
2. The Principal Chief Commissioner Of Customs, India India
3. The State Of Bihar Bihar
4. Assistant Commissioner, Customs, Gaya Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Priya Ranjan
For the UOI : Mr. Anshuman Singh, Sr. Advocate
Mr. Ranjay Kumar, Advocate
For the Opposite Party/s : Mr. Additional Solicitor General

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

10 08-07-2024 Heard learned counsel for the petitioners, learned

counsel for the State and Mr. Anshuman Singh, learned counsel

for the Union of India.

2. The petitioners are facing trial in Special Case

No. 03© of 2020 arising out of Complaint Case No. 03© of



2020 for the offence under Sections 135(i) (b) and (c) of the Custom Act, 1962.

3. The allegation against the petitioners is that a complaint case was filed by the complaint alleging therein that the five ladies carried 311400 US Dollar wrapped in a Newspaper where concealing the same in their baggage and handbags in respect of which they could not produce any valid documents either in respect of its possession or exportation and submitted that the said US Dollars were handed over to them by a women in a Hotel at Bodhgaya and they also submitted that they have also not submitted any currency declaration form at the time of arrival in India as they were not carrying any US Dollars at the time they came to India. Therefore, it was suspected that those ladies are involved in smuggling the US Dollar and they knowingly and willingly committed the crime and violated the provisions of Customs Act and Foreign Exchange Management Regulations issued by the Reserve Bank of India. Accordingly, the US Dollars recovered from those ladies were seized and the seizure memo was prepared and statement of those ladies were recorded and they were arrested. It is further alleged that in course of enquiry, it revealed that the ladies were involved in the racket of smuggling and therefore,



the passport and other belongings were also seized.

4. The petitioners are accused in serious offences and until and unless their trial is concluded and the question of release of passport doesn't arise.

5. In view of the above, this application is dismissed with liberty to the petitioners to file an application afresh at an appropriate stage.

(Sandeep Kumar, J)

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