

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33765 of 2024

Arising Out of PS. Case No.-25 Year-2023 Thana- D.R.I District- Patna

Rajni Soni Wife Of Arun Soni Village-M1/25 Model Town Third Stop Model
Town Ps- Model Town North West Delhi

... .. Petitioner

Versus

Union Of India Through The Intelligenece Officer, Directorate General Of
Revenue Intelligence Patna Union Of India Through The Intelligenece Officer,
Directorate General Of Revenue Intelligence Patna Regional Patna, Malaynil
Buddha Colony Main Road ... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ansul, Advocate

For the DRI, Patna : Mr. Anshuman Singh, Sr.SC Customs.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 25-10-2024 Heard learned counsel for the petitioner and the
Directorate of Revenue Intelligence (DRI).

2. Petitioner seeks bail in a case registered for the
offence punishable under sections 135 (i)(a) and 135 (1)(b) of
the Customs Act.

3. As per allegation in the FIR, petitioner was arrested
by the officials of Directorate of Revenue Intelligence (DRI),
Patna from Berth No.13 of H 1 Coach of Rajdhani Express at
Patliputra Railway Station, Patna and 12 pieces of gold bullion
and 2 cut pieces of gold bullion of worth Rs.1.28 crore were
recovered from her possession.

4. Learned counsel for the petitioner submits that the
allegation of recovery of gold of foreign origin is false as no
mark of foreign origin was found on the recovered gold and in
such circumstance, punishment is of 3 years imprisonment. Act
constituting offence under section 135(1)(b) of the Customs Act
is not delineated as non-bailable offence under section 104(6) of
the said Act and hence,. As per section 104(7) of the Act, the
offence is bailable. Petitioner is a lady, claims clean antecedent
and is in custody since 10.2.2024.



5. By filing counter affidavit, learned counsel representing the Directorate General Of Revenue Intelligence, has opposed the prayer for bail to the petitioner. He submits that petitioner was not carrying valid document in support of purchase or import of the said recovered gold. Petitioner has confessed her conscious involvement in transportation/possession/carriage of foreign origin smuggled gold bullions/cut pieces. Petitioner was produced before the Gazeted officer of the Customs as soon as possible as per requirement of section 102 of the Customs Act, 1962.

6. In compliance of order of this court dated 19.7.2024, trial court's report dated 23.7.2024 is on record. Trial court's report reveals that the case is pending for appearance of one accused person and summon has already been issued in this regard.

7. Considering the fact that the petitioner is a lady having clean antecedent coupled with the fact that the case is pending at the stage of appearance of accused person, prayer for regular bail of the petitioner is allowed. Let the petitioner, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Special Court, Economic Offence, Patna in Directorate of Revenue Intelligence (DRI), Regional Unit, Patna Unit Case No. 25 of 2023-24 dated 10.2.2024 (Special Case No. 13(O) 2024.

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(Prabhat Kumar Singh, J)

