

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45271 of 2024

Arising Out of PS. Case No.-34 Year-2024 Thana- D.R.I District- Patna

Mahipal Singh Son of Laxman Singh Resident of Deeppura, Kuchaman City,
P.S. Kuchaman, District- Nagaur, Rajasthan

... .. Petitioner/s

Versus

The Union Of India through Directorate of Revenue Intelligence Regional
Unit Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate

Mr. Praveen Kumar Agrawal

For the Union of India : Mr. Anshuman Singh, Sr. S.C. DRI

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-09-2024 Heard Mr. N.K. Agrawal, learned Senior counsel for

the petitioner and Mr. Anshuman Singh, learned Senior Standing
Counsel DRI.

2. Petitioner seeks bail, who is in custody since
30.03.2024, in connection with Economic (DRI) Case No.
25(O) of 2024 arising out of DRI Unit Case No. 34 of 2023-24,
dated 30.03.2024 registered for the offences punishable under
Sections 135(1)(a), 135(1)(b) of the Customs Act.

3. The case relates to recovery of gold
biscuits/bullions weighing 5263.200 grams from the Hyundai
CRETA car.

4. Learned counsel for the petitioner submits that the
petitioner, who is of clean antecedent, is innocent and he has



been falsely implicated in the present case. He further submits that from perusal of the F.I.R. as well as seizure list it transpires that the alleged gold bullion was made from not conscious possession of the petitioner rather recovery has been made from the Hyundai CRETA car bearing Registration No. WB-20BE-5123 and petitioner is neither the owner nor the driver of the car in question. He further submits that the complainant has failed to establish the case that the seized gold bullion was from any foreign country and not even a single material has come during investigation which suggests that the petitioner was involved in the illegal dealing with the prohibited articles and as per allegation in the prosecution story, no case is made out under Sections 135(1)(a) and 135(1)(b) of the Customs Act. He further submits that the petitioner is in custody since 30.03.2024.

5. Mr. Anshuman Singh, learned Senior Standing Counsel for the DRI vehemently opposed the prayer for bail of the petitioner and submits that he has filed a counter affidavit stating therein that the DRI has received information that a consignment of Foreign Origin smuggled Gold was being transported from Islampur (West Bengal) to Jaipur (Rajasthan) by two persons namely Hira Singh Bhati and Mahipal Singh



(petitioner) travelling in a Hyundai CRETA car bearing Registration No. WB-20BE-5123. In presence of two independent witnesses, the said vehicle was found occupied by two persons as mentioned aforesaid and they have informed that they were going to Jaipur (Rajasthan) from Islampur (West Bengal). The apprehended persons denied about the possession of any type of gold and after some time they were admitted that they were having three foreign origin gold bullions, which were concealed inside the cabin light above dashboard of the said car and they were informed that the said foreign origin smuggled gold bullions were brought from Bangladesh into Islampur (West Bengal) by way of smuggling and they were going to deliver the same to Jaipur (Rajasthan). They did not possess any document related to purchase, import or transport relating to the smuggled gold bullions. As per valuation of the recovered gold biscuits/bullions were found to be 5263.200 grams and Rs. 3,69,00,295/- respectively and the petitioner himself admitted in his statement which was recorded under Section 108 of the Customs Act, 1962 that the said recovered gold bullions from Bangladesh into India and the aforesaid gold were recovered from the car in question and they have admitted that a person namely Sri Rakesh Bhaiya was the owner of the said



recovered gold bullions and the Hyundai car bearing Registration No. WB-20BE-5123.

6. Considering the facts and circumstances of the case and the fact that the petitioner having clean antecedent and DRI already filed a prosecution case after investigation so there is no requirement of custody of the petitioner in the present case as well as the petitioner is in custody since 30.03.2024, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 50,000/- (Rupees Fifty Thousand) with two sureties of the like amount each to the satisfaction of learned Presiding Officer (Special) Economic Offences Civil Court, Patna in connection with Economic (DRI) Case No. 25(O) of 2024 arising out of DRI Unit Case No. 34/2023-24, subject to the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.



(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Ibrar//-

U		T	
---	--	---	--

