

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46412 of 2024

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

Hira Singh Bhati son of Late Manohar Bhati a Residence of House of Navratan Singh, 32A, R.K. Puram, Khirmi Phatak Khatipura P.S- Vaishali Nagar District- Jaipur Rajasthan

... .. Petitioner/s

Versus

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

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate Mr. Praveen Kumar Agrawal, Advocate
For the DRI	:	Mr. Anshuman Singh, Sc. 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 the petitioner has not come with clean hand before this Hon'ble Court and in paragraph-8 of the bail petition, the petitioner has stated that the petitioner is not registered owner of Hyundai CRETA Car bearing Registration No. WB-20BE-5123 and his statement which was recorded



under Section 108 of the Customs Act in which he has categorically stated that the CRETA car in question belonged to the petitioner and also he has stated in reply to the Question No. 4 that he is the owner of the Car in question but in the bail petition he has categorically stated that he is not the owner of the registered owner of the Car in question which suggests that the petitioner has concealed the material fact which he has stated before the DRI authority and only to obtain the bail from this Court, he has furnished the wrong information before this Court.

6. Considering the aforesaid facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail in connection with Economic (DRI) Case No. 25(O) of 2024 arising out of DRI Unit Case No. 34/2023-24 pending in the Court of learned Presiding Officer (Special) Economic Offences Civil Court, Patna.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

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