

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51246 of 2023

Arising Out of PS. Case No.-1 Year-2023 Thana- D.R.I District- Patna

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1. Shri Mahendra Kumar Son Of Late Paramsukh Sahu Resident Of Village - Dhaska, P.O. - Kauriram, P.S. - Bansgoan, Distt. - Gorakhpur, Uttar Pradesh 273413
 2. Shri Achhaibar Gupta Son Of Late Markandey Gupta Resident Of Village And Post - Bhainsa Bazar, Block - Khajni, P.S. - Bansgoan, Distt. - Gorakhpur, Uttar Pradesh 273212

... .. Petitioner/s

Versus

1. The Union of India through the Deputy Director, DRI, MALAYNIL Buddha Colony, Patna 800001 Bihar
2. The Senior Intelligence Officer, DRI, Regional Unit, Patna Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Shri Prakash Tiwari Mr. S.D. Sanjay Mr. Mohit Agarwal Mr. Lokesh Kumar Mr. Vishal Kumar Mr. Rahul Kumar
For the Opposite Party/s :		Mr.K.N.Singh (A.D.S.G)
For the DRI	:	Mr. Anshuman Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

6 23-01-2024 Heard learned counsel for the petitioners and learned counsel on behalf of the DRI.

The petitioners have prayed for grant of bail in connection with Economic Office P.S. Case No. 45(o) of 2023, arising out of Unit Case No. 01 of 2023-24 registered under sections 135(1)(b) of the Customs Act.

The prosecution case in short, is that, DRI officials



got information regarding smuggling of foreign gold from New Jalpaiguri to Gorakhpur by train. On receipt of the information, the Directorate of Revenue Intelligence, Regional Unit, Patna apprehended two persons from berth No. 23 of coach B6. On being asked and interrogated, they said that they had concealed the pieces of gold bullions inside their trolley bags. Thereafter, both the petitioners were de-boarded from the train with their belongings. On search, 10 pieces of gold bullions of foreign origin weighing about 4996.150 grams worth Rs. approx 3.5 crores.

Learned counsel for the petitioners submits that the petitioner are innocent and have committed no offence. They have falsely been implicated in this case. It is further submitted from para-6 of this petition that petitioners were travelling through train No. 15077 on berth no. 23 of coach B-6 but the alleged gold was not recovered from their conscious possession rather from a trolley bag which was kept beneath the berth and the petitioners were no way concerned with the said trolley bag in which the gold was alleged to have been concealed and recovered after thorough search of the said trolley bag in the office of the DRI. It is also submitted from para-8 of the second supplementary affidavit that after completion of the inquiry,



charge sheet in the shape of complaint case No. 45(o) of 2023 has already been filed on 23.06.2023 before the Ld. Presiding Officer (Special), Economic Offences, Civil Court, Patna. No any evidence has come that the said trolley belongs to the petitioners. Moreover, they are languishing in judicial custody since 27.04.2023.

The application for bail is opposed by learned counsel on behalf of the DRI and submitted that petitioners are named the complaint case and submitted by way of counter affidavit that both the petitioners were failed to produce documents related to import or transportation of the gold which was recovered from the trolley bag at the time of their arrest. Further submitted that the petitioners stated that the cut pieces of gold bullions are of foreign origins.

Having heard learned counsel for the parties and considering the facts and circumstances of this case as well as the custody of the petitioners, the Court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be enlarged on bail in connection with Economic Offence P.S. Case No. 45(o) of 2023 arising out of Unit Case No. 01 of 2023 on each of them furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each



to the satisfaction of the learned Presiding Officer, Economic
Offences Court, Patna.

(Sunil Kumar Panwar, J)

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