

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73274 of 2023

Arising Out of PS. Case No.-19 Year-2023 Thana- D.R.I District- Patna

Manish Sen S/O Sri Shankar Lal Sen Resident Of Ward No. 39, Behind
Chandni Talkies, Ps. Kotwali City, Raghuraj Nagar, Dist. Satna (MADHYA
Pradesh)

... .. Petitioner/s

Versus

The Union Of India Through Directorate Of Revenue Intelligence, Regional
Office, Patna Bihar, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Mohit Agarwal Mr. S.D. Sanjay, Sr. Adv Mr. Rahul Kumar Mr. Vishal Kumar
For the DRI	:	Mr. Anshuman Singh, DRI

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 19-01-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case
registered for the offence punishable under sections 135(1)(a)
and 135(1)(b) of the Customs Act.

3. Prosecution case relates to recovery of two bullions
of yellow colored metal believed to be of Gold bullion and three
cut pieces of gold bullions total weight of 2216.500 grams of
gold amounting to Rs. 1,36,35,908/- from the possession of the
petitioner. After inquiry from the petitioner about the said
goods, he could not give valid documents in respect of said
goods.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. It is further submitted from para-10 of this petition that petitioner is working as an employee in a shop, namely, M/s. Laxmi Padmawati Bullion, a Proprietary concern having its shop at Gandhi Chowk, Satna(M.P.). Further stated that Sri Mahip Sah is the owner and proprietor of the said shop and engaged in the business of sale and purchase of gold bullion, gold jewellery, silver jewellery and utensils for which the said shop has also been got registered under the Assistant Labour Commissioner Satna, (M.P.) and in support of this, Annexure-P/2 has been annexed in this petition which is copy of establishment registration Certificate. It is also submitted from para-18 of this petition that since the petitioner was an employee of that firm, he was directed to carry the said stocks of gold bullions to Kolkata for getting the same exchanged for gold ornaments. He was instructed to reach Kolkata and thereafter the manager of the said establishment would give the details of the concerned shop at Kolkata where from gold ornament on exchange was to be brought back to Satna(Madhya Pradesh). A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. Moreover, he is



languishing in judicial custody since 01.08.2023.

5. Learned counsel on behalf of the DRI has opposed the prayer for bail and stated that the petitioner failed to produce the relevant documents at the time when he was apprehended.

6.Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Unit Case No. 09 of 2023-24 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM-II cum Special Judge, Economic Offences, Patna.

(Sunil Kumar Panwar, J)

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