

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81655 of 2023

Arising Out of PS. Case No.-1 Year-2015 Thana- CUSTOM (GOVERNMENT OFFICIAL)
District- Purnia

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SUDHIR S. CHAMARIA @ SUDHIR KUMAR CHAMARIA S/O SRI SHDIV KUMAR CHAMARIA @ SHDSIV PRASAD CHAMARIA
RESIDENT AT FLAT NO. A-2305/2306 VISHNU SHIVAM TOWER
THAKUR VILLAGE P.S. KANDIVALI EAST DIST. MUMBAI, STATE
MAHARASHTRA

... .. Petitioner/s

Versus

THE UNION OF INDIA THROUGH SH. PAWAN KUMAR, DEPUTY
COMMISSIONER, LAND CUSTOMS STATION, JOGBANI, ARARIA ,
BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Praveen Kumar Agrawal, Advocate
For the Opposite Party/s : Mr.Anshuman Singh, Sr.S.C., DRI
Mr.Ranjay Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 09-04-2024 Heard Mr. Praveen Kumar Agrawal, learned counsel

for the petitioner and Mr. Anshuman Singh, learned Sr.S.C. of

D.R.I.

2. The petitioner apprehends his arrest in Special Case
(Economic Offence) No. 4 of 2017 instituted for the offence
under Sections 132, 135, 135(A), 140 of the Customs Act.

3. It is a case of commercial fraud. Petitioner, being
Director of the company M/s Innovagen Compserve Pvt. Ltd.,
Borivali (East), Mumbai, is alleged to be involved in national
income loss through his agent by three DFIA licences issued by
the DGFT, Mumbai. It is further alleged that the accused



persons attempted to export inferior quality of clothes by declaring it as natural silk for wrongful gain of more than five crores.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence and no offence under the Customs Act is made out against this petitioner. He further submits that the complainant has filed six complaint petitions including the present complaint against the petitioner for the same cause of action. The petitioner has been penalized with an amount of Rs. 3,75,000/- under Section 114 (iii) of the Customs Act, 1962, which has already been deposited by this petitioner. The accused Arvind Kumar Donakia has already been granted anticipatory bail in a similar case of Special Case (Economic Offences) No. 05/2021 by a coordinate Bench of this Court, vide order dated 23.08.2022 passed in Cr.Misc. No. 63335 of 2021.

5. Learned Senior Standing Counsel for DRI, though opposes the prayer of anticipatory bail, but does not dispute the submission made on behalf of petitioner that petitioner has deposited Rs. 3,75,000/- in order to show his *bonafide*.

6. Having heard learned counsel for the parties and perused the materials available on record, this Court is inclined



to enlarge the petitioner on bail.

7. Accordingly, let the above named petitioner, in the event of arrest/surrender within a period of six weeks from today, 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 learned Special Judge (Economic Offences), Purnea in connection with Special Case (Economic Offences) No. 04 of 2017, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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