

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.52 OF 2024

Sajid Sageer Inamdar Applicant
versus
Directorate of Revenue Intelligence (DRI)
Mumbai Zonal Unit (MZU), Mumbai & Anr. Respondents

**WITH
ANTICIPATORY BAIL APPLICATION NO.53 OF 2024**

Maiz Khalil Kazi Applicant
versus
Directorate of Revenue Intelligence (DRI)
Mumbai Zonal Unit (MZU), Mumbai & Anr. Respondents

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- Dr. Sujay Kantawala a/w Waqar N. Pathan a/w Avinash Limbola, Advocate for Applicant in both ABAs.
- Mr. Advait M. Sethna (Spl. P. P.) a/w Siddharth Chandrashekhar a/w Rangan Majumdar, Advocate for Respondent No.1 (DRI) in both ABAs.
- Mr. Aashish Satpute, APP for the State/Respondent in both ABAs.

CORAM : SARANG V. KOTWAL, J.
DATE : 15th FEBRUARY, 2024

P.C. :

1. Both these matters are decided by this common order because they arise out of the same subject matter. In both these applications, the Applicants are seeking anticipatory bail in

connection with F.No.DRI/MZU/B/INT-111/2023 for commission of the offence punishable under sections 132 and 135 of the Customs Act, 1962.

2. Heard Dr. Sujay Kantawala learned counsel for the Applicants, Mr. Advait M. Sethna, Special P. P. for DRI and Mr. Aashish Satpute, learned APP for the State.
3. The prosecution case is that, specific intelligence was received by the officers of DRI that a passenger arriving at Mumbai from Dubai by Flight No.6E-1512 was scheduled to arrive at CSMI Airport at around 09.30 hours on 09/09/2023. He was carrying some contraband which he was to leave in the aircraft and it was to be picked up by an unknown ground staff and then it would be smuggled out of the Airport. Based on this information and suspicion, the officers intercepted one Umer Shaikh, Security Executive of the Airlines at CSMI, Airport. The personal search of Umer was conducted. He was having two black coloured packets containing gold dust in wax weighing

1702.9 grams. He informed the officers that those packets were left by the passenger in seat No.22F, from where he had picked them up. The officers through swift action intercepted that passenger, whose name was Zameer Gani Tambe. Their statements were recorded and they were put under arrest.

4. The investigation revealed that there is a chain involving different accused. Some of them were to receive that gold and some of them were to melt it and sell it further. The same report also mentions that one more passenger Mohit Bashumal Lotwani carrying gold was arriving from Flight No.6E-1072 at 13.55 hours and he was occupying seat No.17A. The officers intercepted him and recovered two packets. By the same modus operandi the arrested accused Umer Shaikh was to collect those gold packets. Those packets containing gold weighed 1701.60 grams gross. During the course of investigation, premises of one Amrat Lal was also searched. From there, gold weighing 4288.8 grams was recovered.

5. Learned counsel for the Applicants submitted that there is no direct or indirect connection of the present Applicants with the alleged offence. Both of them are residents of Dubai and are willing to cooperate with the investigation. But they are unable to do so, since they are not protected from arrest. The moment they step in, they will be arrested. They will cooperate with the investigation, though they have not committed any offence. He further submitted that the material against the Applicants is vague and it is merely a suspicion, based on the statements of other accused. Those statements are not reliable.

6. Learned Special P. P. opposed these submissions. According to him, seizure of gold is a part of a big racket. Huge quantity of gold is seized. The Applicants are involved in repeated incidents of smuggling. The other case was about two passengers travelling from Dubai carrying gold at the instance of these Applicants. He submitted that their custodial interrogation

is necessary to trace all the accused involved and to find out the earlier similar circumstances.

7. I have considered these submissions. In this connection, statements of Zameer Gani Tambe and Umer Shaikh are important. Zameer had stated that in the first week of August, the Applicant Maiz was called by this accused because he needed money. This accused had offered to help the Applicant Maiz in gold smuggling. The Applicant Maiz helped in getting Visa for him. He booked the tickets for India on 09/08/2023. Maiz gave him two black packets containing gold with wax. This accused was directed by the Applicant Maiz to keep those packets in the seat pocket of the seat No.22F. He was told that somebody working with that Airline would pick up those packets. This accused acted on the instructions of the Applicant Maiz. Thereafter the packets were picked up. He was arrested as mentioned earlier.

8. Statement of Umer Shaikh is also important. He has stated that in December 2022, he had met one Yaser. He

informed him about gold smuggling business and offered him a proposal to smuggle gold out of Mumbai International Airport. In January 2023, Yaser arranged a meeting of this accused with the Applicant Sajid in Mhasla, Raigad. In that meeting, the Applicant explained the entire plan to smuggle gold into India. The Applicant Sajid explained that he or his associates i.e. other accused Applicant Maiz, would send some packets containing gold dust in wax or paste form from Dubai to Mumbai. Those packets would be kept in the seat pocket of a flight. This accused was supposed to collect those packets and hand it over to the person as directed by both the Applicants. Thereafter, he started regularly picking up such packets from end of January 2023, till he was arrested on 09/09/2023. He was told by Yaser about the passenger carrying those gold packets. The statement of the said accused Yaser corroborates this statement. During investigation, Umer also gave information about the gold carried by Mohit Lotwani. Umer knew that Mohit was travelling in the flight No.6E 1072 from Phuket to Mumbai. This time this information was provided by the Applicant Maiz. Screenshot of the boarding

pass of Mohit was found on Umer's phone. That is how even seizure from Mohit was connected with these activities of the same accused. The accused Yaser's statement throws more light on the activities of both the Applicants. He has clearly stated that both the Applicants are the main financiers and they were taking care of gold smuggling at the Dubai end and the accused Adil Momin took care of the gold smuggling business at India end.

9. Thus, there is sufficiently strong material against both the Applicants. The requirement of the investigating agency of the custodial interrogation of both the Applicants is well founded. The offence is serious and requires thorough investigation. Therefore, no relief can be granted to the Applicants. The applications are accordingly rejected.

(SARANG V. KOTWAL, J.)