

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1527 OF 2024**

R. Kumar S/o Ramu ... Applicant
versus
Union of India and Anr. ... Respondents

Dr. Yug Mohit Chaudhary with Mr. Anush Shetty, for Applicant.
Ms. Jai Vohra i/by Mr. Amit Munde, Special PP for Customs Dept.

CORAM: N.J.JAMADAR, J.

DATE : 19 JUNE 2024

P.C.

1. Heard the learned Counsel for the parties.
2. The applicant apprehends arrest in NDPS Special Case No.1506 of 2023 arising out of F.No.CIU/INV-23/2022-23/ACC(G)/E-Office F.No.GEN/INV/Misc./229/2023.
3. On the basis of the intelligence input, one export consignment covered under Shipping Bill No.7996704 dated 23rd February 2023 of M/s. First Wealth Solution destined to Yasoub Adam Hamdoun, Atalbara (A), Juba, South Sudan with declared description in shipping bill and in export invoice as Tamol X-225 quantity as 21 packages containing 10.5 lakhs tablets, having gross weight 729 kg. And net weight 720 kg., was intercepted by the Central Intelligence Unit (CIU) Air Cargo Complex, Sahar (ACC) and kept on hold on 25th February 2023, for 100% examination by the officers of CIU, ACC, Mumbai.

4. A search panchanama was drawn on 27 February 2023 by the officers of CIU in the presence of the panch witness. The description on each boxes as well as on the inside packages was calcium carbonate 225 mg. Quantity found was 9,99,500 tablets of Tamol-X. The goods were thus found to be mis-declared in terms of quantity and description. Thus, the consignment was seized under seizure memo. Samples were drawn and sent for analysis to CRCL Lab. The test was positive for Tramadol, a psychotropic substance.

5. Gudipati (A1) was the Chief operating Officer of M/s. First Wealth Solution, the consignor. Gudipati (A1) had placed the purchase orders with various manufacturers to manufacture Tramadol. The applicant was one of the manufacturers.

6. Learned Counsel for the Applicant invited attention of the Court to the orders passed by this Court in ABA Nos.1643 of 2023 and 1553 of 2023, whereby the similarly circumstanced co-accused have been granted interim protection. It was submitted that the learned Special Judge has initially granted interim protection by an order dated 8 November 2023. While rejecting the application, by an order dated 15 April 2024, the interim protection was continued for a period of three days.

7. Learned APP seeks time to take instructions and file an affidavit in reply.

8. Having regard to the role attributed to the applicant and the fact that the applicant was on interim bail before the learned Special Judge, till the application is

heard after providing an opportunity of hearing to the prosecution, the personal liberty of the applicant deserves to be protected.

9. Hence, the following order :

ORDER

(i) In the event of the arrest of the Applicant – R. Kumar S/o Ramu in connection with C.R.No.CIU/INV-23/2022-2023/ACC(G) registered with Central Intelligence Unit, the Applicant be released on bail on furnishing a PR bond in the sum of Rs.1,00,000/- with one or two sureties in the like amount.

(ii) The Applicant shall co-operate with the investigation and report to Central Intelligence Unit on 25th, 26th and 27th June 2024 in between 10.00 a.m. to 1.00 p.m., and thereafter, as and when directed.

(iii) The Applicant shall not tamper with the prosecution evidence and/or give threat or inducement to the first informant or any of the prosecution witnesses or any of the persons acquainted with the facts of the case.

(iv) The Respondents to file affidavit in reply within a period of three weeks from today.

(v) Stand over to 18 July 2024.

(N.J.JAMADAR, J.)

