



CRL O.P. No.26378 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.10.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.26378 of 2024

S.Muthu

... Petitioner / Accused - 1

Vs

State rep. by
Directorate of Revenue Intelligence,
Rep. by Senior Intelligence Officer,
27, G.N.Chetty Road, T.Nagar,
Chennai District.
(R.R.No.22 of 2024)

... Respondent

PRAYER: - The Criminal Original Petition is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, (BNSS) 2023, praying to enlarge the Petitioner on bail in R.R.No.22 of 2024 on the file of the respondent police.

For Petitioner : Mr.D.Raja

For Respondent : Mr.N.P.Kumar,
Spl. Public Prosecutorr of DRI



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ORDER

The petitioner/A1, who was arrested on 05.09.2024, for the offences punishable under Sections 135 and 104 of the Customs Act, 1962 in R.R.No.22 of 2024, on the file of the respondent seeks bail.

2.It is the case of the prosecution that the petitioner and along with other accused indulged in the illicit import of cigarettes by means of concealment and misdeclaration for monetary gratification and also contravened the provisions of the Customs Act. The value of smuggled items is more than Rs.15/- Crores. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner has been in custody from 05.09.2024 and the contraband was also seized. He would further submit that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.



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4.The learned Government Advocate (Crl. Side) would submit that based on the specific intelligence report that foreign cigarettes are being attempted to be smuggled to India, the respondent officers conducted search of the consignments and seized 62,30,000 sticks of cigarette and cover cargo/plastic hanger/Empty Carton/Cement Bags (Portland Composite) valued at Rs.10,61,21,200/- (approx.) from the consignment of M/s.Radans Impex and 30,00,600 sticks of Gold Flake Kings Cigarettes and cover cargo of 6408 packets of wafer crunch & cream, valued at Rs.5,71,71,600/- from the consignment of M/s.Super Nuts Overseas. He would further submit that the petitioner along with the other accused indulged in the illicit import of foreign cigarettes by means of concealment and misdeclaration for monetary gratification and also contravened the provisions of the Customs Act. The value of smuggled items is more than Rs.15/- Crores. He would further submit that this petitioner is the main accused and the investigation is still pending and there are no previous cases against the petitioner. Hence, he vehemently opposed to grant bail to the petitioner.



5. Heard both side learned counsel and perused the materials available on record.

6. Considering the nature of offences and that there is no previous case pending against the petitioner and the number of days of incarceration undergone by the petitioner and also considering all other aspects, this Court is inclined to grant bail to the petitioner subject to the following conditions:

[a] Accordingly, the Petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the **District Judge / Chief Metropolitan Magistrate, E.O.No.II Egmore** and on further conditions that;

[b] the Petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

[c] the Petitioner shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[d] the Petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

[e] the Petitioner shall not abscond either during investigation or



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trial;

[f] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the Petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]; and

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

24.10.2024

smv

To

- 1.The District Judge / Chief Metropolitan Magistrate, E.O.No.II Egmore.
- 2.Central Prison Puzhal.
- 3.The Senior Intelligence Officer,
The Directorate of Revenue Intelligence,
27, G.N.Chetty Road, T.Nagar,
Chennai District.
- 4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J.
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