

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78030 of 2024

Arising Out of PS. Case No.-13 Year-2024 Thana- D.R.I District- Patna

Amit Kumar, S/o- Ramashankar Prasad, Resident of Village- Deoria Kothi
near Canara Bank, PS- Deoria, District- Muzaffarpur

... .. Petitioner/s

Versus

Union of India through Secretary Directorate of Revenue Intelligence DRI

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Priyesh Kumar Jaiswal, Advocate

For the D.R.I. (Informant) : Mr. Ankit Katriar, SSC for DRI

Mr. Abhishek Kumar, JSC for DRI

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
CAV ORDER

4 06-02-2025 Heard learned counsel for the petitioner and learned
counsel for the D.R.I. (Informant).

2. The petitioner has prayed for bail in connection with D.R.I. Case No. 34 (O) of 2024 (Patna Unit Case No. 13 of 2024-2025) registered for the offence punishable under Sections 135(1)(a) and 135(1)(b) of the Customs Act, 1962.

3. The case of the prosecution is that the officers of D.R.I. Patna intercepted a Maruti Vitara Brezza Car bearing registration No. W.B.64 M-9357 near Hathidah Railway Junction at around 04:00 hrs. on 03.08.2024, in presence of independent witnesses. The petitioner and one co-accused, namely, Vikash Kumar were found in occupation of the car. On being asked about the possession of smuggled foreign origin gold and the car to be searched, the apprehended persons



admitted that they were carrying the gold bullions of foreign origin, which were smuggled from Bangladesh into India. They admitted that four packets containing smuggled gold bullions of foreign origin were concealed inside a secret cavity built below the chassis of the said car. Thereafter, in presence of the independent witnesses, the apprehended persons were served with notice under Section 102 of the Customs Act. They were brought to the office of D.R.I., Patna for necessary action. At about 06.45 hrs. after reaching D.R.I. Office, the accused persons took out the four packets wrapped with brown/transparent adhesive tape containing total 28 pieces of yellow metal believed to be gold bullions weighing 3262 grams value of Rs. 2,34,83,138/- (Rupees two crores thirty four lakh eighty three thousand one hundred thirty eight) handed over to the officers in presence of witnesses. It is further alleged that all the 28 pieces of recovered gold bullions were found having identical foreign markings as "ARG UAE 10 TOLAS 999.0 MELTER ASSAYER". The apprehended persons could not produce any documents in respect of the alleged recovery.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has been falsely implicated in this



case. It is further submitted that the recovery is not of the prohibited articles but rather it is of restricted articles. With respect to restricted articles, there is provision of penalty in Customs Act and that he is ready to pay the penalty. It has also been argued that Section 135 of the Customs Act provides punishment up to 7 years for the smuggling of the said articles. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent. Petitioner is languishing in judicial custody since 03.08.2024.

5. The application for bail is opposed by learned counsel for the D.R.I. (Informant).

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Special Court, Economic Offence, Patna in connection with D.R.I. Case No. 34 (O) of 2024 (Patna Unit Case No. 13 of 2024-2025).

(Ashok Kumar Pandey, J)

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