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Crl.O.P.No.6800 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 11.03.2025

PRONOUNCED ON : 14.03.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.6800 of 2025

Sai Krishna

... Petitioner/Accused No.2

Vs.

The Superintendent of Customs

Prosecution (Sea)

O/o. The Principal Commissioner of Customs,

Preventive Commissionerate,

Customs House, Chennai – 600 001.

(R.R.No.3 of 2025).

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with R.R.No.3 of 2025, on the file of the respondent/complainant, on such condition that may be imposed by this Court.

For Petitioner : Mr.N.Sivasankar

For Respondent : Mr.N.P.Kumar

Special Public Prosecutor

ORDER

This Criminal Original Petition has been filed by the petitioner/accused, who was arrested and remanded to judicial custody on 23.01.2025, seeking bail in R.R.No.3 of 2025 registered for the



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offence under Sections 132 and 135 of Customs Act.

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2. The case of the prosecution is that on 20.01.2025, the respondents found a container No.EGHU9297314, pertaining to the import made in the name of M/s.Jai Jwala Exim, vide Bill of Entry No.7402979 dated 23.12.2024; that the said Bill of Entry was filed by the Customs House Agent/Customs Broker, M/s.Paragon Logistics; that on examination of the container, it was found that the description of goods in the import documents did not match with the goods in the container; that Drones, Walkie Talkies, valued at Rs.5,30,00,000/- were found in the container in addition to declared goods viz., watch and its accessories; and that the Drone and Walkie Talkies are prohibited items and could be imported only after obtaining proper licence and the same were liable to be confiscated under Section 111(d)(l)(m)(o) of the Customs Act. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner was only working as an employee of M/s.Paragon Logistics; that even as per the case of the prosecution in the remand report, it is seen that the petitioner has only received Rs.2,000/- + GST



for each Bill of Entry; that even in his statement under Section 108 of the Customs Act, there is nothing incriminating against the petitioner; and considering the period of incarceration, he prayed for bail.

4. The learned Special Public Prosecutor however opposed the grant of bail stating that the petitioner was in constant touch with the other offenders; that he was not only acting as a staff of the Customs House Agent/customs Broker, M/s.Paragon Logistics, but had vested interest in the smuggled goods and in clearing them; and that further investigation is pending to ascertain the monetary benefits that accrued to the petitioner. The respondent has also filed a counter to that effect.

5. The petitioner was arrested on 22.01.2025 and remanded on 23.01.2025. The respondent sought for custody of the petitioner to ascertain the involvement of other known and unknown accused persons. The petitioner is now in custody for nearly 47 days. Even according to the prosecution in the remand report, the petitioner had received Rs.2,000/- + GST towards each Bill of Entry.

6. Hence, considering the aforesaid facts, the nature of allegations



against the petitioner, the period of incarceration and the fact that the allegations are borne out by records, this Court is of the view that further custody of the petitioner is not required for the purpose of investigation and is inclined to grant bail to the petitioner with certain conditions.

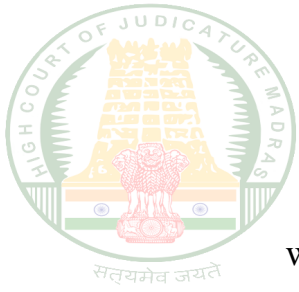
7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Additional Chief Metropolitan Magistrate [E.O.II], Egmore, Chennai**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or



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witness either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned 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]***;

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

14.03.2025

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SUNDER MOHAN., J.

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To

1.The Additional Chief Metropolitan Magistrate,
E.O.II, Egmore, Chennai.

2. The Superintendent of Customs
Prosecution (Sea)
O/o. The Principal Commissioner of Customs,
Preventive Commissionerate,
Customs House, Chennai – 600 001.

3. The Superintendent,
Central Prison, Puzhal, Chennai

4. The Public Prosecutor,
High Court of Madras.

Pre-delivery order in
Crl.O.P.No.6800 of 2025

14.03.2025