



Crl.O.P. Nos.7639, 7461, 7646, 7643, 7649 & 8307 of 2025

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2025

CORAM

**THE HON'BLE MR. JUSTICE SUNDER MOHAN**

Crl.O.P.Nos.7639, 7461, 7646, 7643, 7649 & 8307 of 2025

Kritika Malhotra ... Petitioner in Crl.O.P.No.7639 of 2025

Sathish Kumar ... Petitioner in Crl.O.P.No.7461 of 2025

Dongre Pavan Kalyan ...Petitioner in Crl.O.P.No.7643 of 2025

Shaiv Kashyap ...Petitioner in Crl.O.P.No.7646 of 2025

Aminul Haque ... Petitioner in Crl.O.P.No.7649 of 2025

Nitish Kumar ... Petitioner in Crl.O.P.No.8307 of 2025

Vs.

The State represented by,  
The Senior Intelligence Officer,  
Directorate of Revenue Intelligence,  
Office of DRI,  
27, G N Chetty Road, T.Nagar,  
Chennai - 600 017.  
(R.R. No.5, 6 & 7 of 2025).

... Respondent

**PRAYER:** Criminal Original Petition filed under Section 483 of BNSS, pleased to enlarge the petitioners on bail, in connection with the R.R.Nos.5,6 & 7 of 2025, pending investigation on the file of the respondent Police.



Crl.O.P. Nos.7639, 7461, 7646, 7643, 7649 & 8307 of 2025

WEB COPY

For Petitioners in  
Crl.O.P.No.7639, 7643  
7646, 7649 of 2025 : Mr.N.Viswanathan

For Petitioner in  
Crl.O.P.No.7461 of 2025 : Mr.B.Kumar Senior Counsel  
for Mr.B.Sathish Sundar

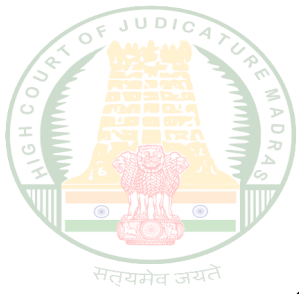
For Petitioner in  
Crl.O.P.No.8307 of 2025 : Mr.K.P.Anantha Krishna

For Respondent in all OPs : Mr.N.P.Kumar  
Learned Spl. Public Prosecutor

### **COMMON ORDER**

Crl.O.P.No.7639 of 2025 has been filed by the petitioner, who was arrested and remanded to judicial custody on 11.02.2025, seeking bail in R.R.No.06 of 2025 registered for the offence under Sections 135(1)(a) and 135(1)(b) of the Customs Act read with Section 111 of the Act.

Crl.O.P.No.7461 of 2025 has been filed by the petitioner, who was arrested and remanded to judicial custody on 12.02.2025, seeking bail in R.R.No.07 of 2025 registered for the offence under Sections 135(1)(i)(A), 136 of the Customs Act, 1962.



Crl.O.P. Nos.7639, 7461, 7646, 7643, 7649 & 8307 of 2025

WEB COPY

Crl.O.P.No.7643 of 2025 has been filed by the petitioner, who was arrested and remanded to judicial custody on 10.02.2025, seeking bail in R.R.No.05 of 2025 registered for the offence under Sections 135(1)(a) and 136 of the Customs Act read with Section 111 of the Act.

Crl.O.P.No.7646 of 2025 has been filed by the petitioner, who was arrested and remanded to judicial custody on 10.02.2025, seeking bail in R.R.No.05 of 2025 registered for the offence under Sections 135(1)(a) and 136 of the Customs Act read with Section 111 of the Act.

Crl.O.P.No.7649 of 2025 has been filed by the petitioner, who was arrested and remanded to judicial custody on 11.02.2025, seeking bail in R.R.No.06 of 2025 registered for the offence under Sections 135(1)(a) and 135(1)(b) of the Customs Act read with Section 111 of the Act.

Crl.O.P.No.8307 of 2025 has been filed by the petitioner, who was arrested and remanded to judicial custody on 10.02.2025, seeking bail in R.R.No.05 of 2025 registered for the offence under Sections 112 read with Section 135 of the Customs Act.



CrI.O.P. Nos.7639, 7461, 7646 , 7643, 7649 & 8307 of 2025

WEB COPY

2. The case of the prosecution based of the Specific Intelligence is that the goods covered under Bill of Entry No.8117396 dated 31.01.2025 (INMAA1), imported by M/s.Radana Traders ( IEC No.DVQPP8706J) was declared as "Lentils Masoor Raw Pulses" as mis-declared; that the Officers of the Directorate of Revenue Intelligence, Chennai Zonal Unit detained the consignment arrived under Bill of Entry in five 20 Ft containers bearing Nos. CAIU3770650, CAIU6076010, REGU3247184, REGU1256269 and CAIU3754114 from Jebel Ali Port to Chennai in Vessel Celsius Eindhoven vide Bill of Lading No.DUBCB25000293 dated 23.01.2025; that on examination of the said consignment at M/s. Allcargo Logistics Ltd, it was found 1,09,600 kgs of green peas concealed in 18,150 kgs of lentils ( declared goods); that the green pas found concealed behind the declared cargo was not declared in the bill of entry; that it appears that the cargo of green peas has been smuggles into India with malafide intention to bypass the Minimum Import Price ( MIP) condition of Rs.200/kg. The aforesaid 109.60 Mts of dried green peas valued at Rs.2,19,20,000/- @ Rs.200/kg was seized. The cover cargo of 18.15 MTs of lentils valued at Rs.12,16,050/- ( 18,150 \* Rs.67/kg) was also seized on a reasonable belief that the same was used to conceal the actual cargo of green peas in an attempt to



Crl.O.P. Nos.7639, 7461, 7646, 7643, 7649 & 8307 of 2025

smuggle the latter and hence it was liable for confiscation under the provision of Customs Act, 1962. The customs Officers viz. Shri Dongre Pavan Kalyan, Shri Nithish Kumar, Appraiser Shri Shaiv Kashyap, Superintendents viz Ms. Krithika Malhotra & Shri Aminul Haque were also involved in the smuggling the consignment.

3.1 The petitioner in Crl.O.P.No.7461 of 2025 is working as a Additional Commissioner of Customs and it is alleged that he had facilitated the import of consignment in conspiracy with the other accused.

3.2. The petitioner in Crl.O.P.Nos.7639 of 2025 is closely connected with the importer and she was aware of the restricted goods being imported.

3.3. The petitioners in Crl.O.P.Nos.7643, 7646 & 8307 of 2025 are the Officers of the customs and also aided and assisted the petitioner in Crl.O.P.No.7461 of 2024 in the above smuggling.

3.4. The petitioner in Crl.O.P.No.7649 of 2025 had also actively assisted the importer in commission of the aforesaid offences.



CrI.O.P. Nos.7639, 7461, 7646 , 7643, 7649 & 8307 of 2025

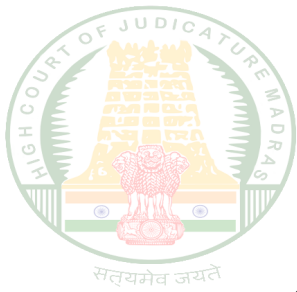
WEB COPY

4. Learned Counsels appearing for all the accused submitted that the petitioners are in custody from 13.02.2025 and they had co-operated during the Investigation and that in any case, further custody is not required for the purpose of investigation.

5. Learned Counsels further submitted that, as the Customs Officers, they can only be prosecuted under Section 136 of the Customs Act, which is bailable offence, and that they have been erroneously prosecuted under Section 135 of the Customs Act.

6. Learned Counsels further submitted that, as regards the other petitioners who are not the Customs Officers, the smuggled goods has been seized and hence, further custody is not required.

7. Per contra, Mr.N.P.Kumar, the learned Special Public Prosecutor submitted that petitioners have committed a grave offence and the investigation is still pending.



Crl.O.P. Nos.7639, 7461, 7646, 7643, 7649 & 8307 of 2025

WEB COPY

8. Considering the aforesaid facts, the submissions made by the learned counsel for the Special Public Prosecutor, the period of incarceration, and since further custody is not required, this Court is inclined to grant bail to the petitioners.

9. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Additional Chief Metropolitan Magistrate ( EO-I), Egmore at 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 petitioners shall report before the respondent police everyday at 10.30 a.m., until further orders;**

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



CrI.O.P. Nos.7639, 7461, 7646 , 7643, 7649 & 8307 of 2025

WEB COPY

[d] the petitioners shall not tamper with evidence or 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.

**[g] The petitioners shall not leave India without getting permission from the trial Court.**

**25.03.2025**

*Sma*



CrI.O.P. Nos.7639, 7461, 7646 , 7643, 7649 & 8307 of 2025

WEB COPY

To

1. Additional Chief Metropolitan Magistrate ( EO-I), Egmore at Chennai
- 2.The Senior Intelligence Officer,  
Directorate of Revenue Intelligence,  
Office of DRI,  
27, G N Chetty Road, T.Nagar,  
Chennai - 600 017.
3. The Superintendent,  
Central Prison, Puzhal, Chennai
4. The Public Prosecutor,  
High Court of Madras.



WEB COPY



Crl.O.P. Nos.7639, 7461, 7646 , 7643, 7649 & 8307 of 2025

**SUNDER MOHAN., J.**

*Sma*

**Crl.O.P.Nos.7639, 7461, 7646 , 7643, 7649 & 8307 of 2025**

**25.03.2025**