



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.04.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.11069 of 2025

Amanullah

...Petitioner/Accused 3

Vs.

State rep by
The Superintendent of Customs,
Prosecution (Sea),
Office of the Principal Commissioner of Customs,
Preventive Commissionerate,
Customs House,
Chennai – 600 001.

(RR.No.11 of 2025)

... Respondent

PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioner on bail in RR.No.11 of 2025 pending investigation on the file of the respondent police.

For Petitioner : Mr.A.Bhuvaneshwaran

For Respondent : Mr.P.Vishnu
Special Public Prosecutor



ORDER

WEB COPY This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 25.02.2025, seeking bail in RR.No.11 of 2025 registered for the offence under Sections 132 and 135 of the Customs Act, 1962.

2.It is the case of the prosecution that the petitioner is the proprietor of one M/s.KSA Logistics; that the petitioner along with the other accused had imported undeclared prohibited goods and attempted to smuggle E-Cigarettes worth about Rs.3,36,05,400/- from China. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent; that the contraband has been seized; that the similarly placed co-accused were granted bail by the lower Court; and that the petitioner is in custody from 25.02.2025 and hence, further custody of the petitioner is not required.



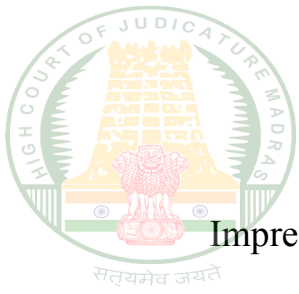
4.Per contra, the learned Special Public Prosecutor reiterated the prosecution case and submitted that the contraband has been seized.

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

6.Considering the nature of allegations, period of incarceration, the fact that the contraband has been seized, the similarly placed co-accused were granted bail by the lower Court and since further custody of the petitioner is not required for the purpose of investigation, this Court 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.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **Additional Chief Metropolitan Magistrate (E.O.W – I), 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 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.

16.04.2025

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Copy to:



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1. The Superintendent of Customs,
Prosecution (Sea),
Office of the Principal Commissioner of Customs,
Preventive Commissionerate,
Customs House,
Chennai – 600 001.

2. The Additional Chief Metropolitan Magistrate (E.O.W – I), Egmore,
Chennai.

3. The Superintendent of Prison,
Central Prison - II, Puzhal, Chennai.

4. The Public Prosecutor,
High Court, Madras.

SUNDER MOHAN, J.



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