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Crl.O.P.No.13156 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2025

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THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.13156 of 2025

S.Mohammed Asadullah

... Petitioner

Vs.

The State rep. by,
The Superintendent of Customs,
Customs Air Intelligence Unit (AIU),
Chennai International Airport,
Chennai.

F.No.66 of 2024-INT(AIR)

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Nagarik Suraksha Sanhita, 2024, to enlarge the petitioner on bail in the event of his arrest in connection with F.No.66 of 2024-INT(AIR) on the file of respondent Police.

For Petitioner : M/s.Magesh Kumar.G

For Respondent : Mr.P.Vishnu, Spl.PP

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 135(1)(a), 135(1)(b) and



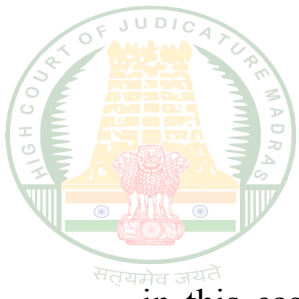
CrI.O.P.No.13156 of 2025

Section 135(1)(i)(A) of the Customs Act, 1962 in F.No.66 of 2024-INT (AIR),
on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that the respondent on 08.06.2024 had intercepted a passenger one Mohammed Barkathullah who have got gold paste in his shoes in 36 pouches approximately weighing about 13,538 grams from one Abdullah Komu Jaljahan. Hence the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. The petitioner has no role in the commission of offence. He further submits that there is no material evidence to implicate the petitioner in this case. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and submitted that based on the confession of one Barkathullah that he received gold paste from a Sri Lankan passenger on instructions from one Kareemullah and thereafter handover the gold to the petitioner after receiving service charges, the petitioner has been implicated



Crl.O.P.No.13156 of 2025

in this case and a show cause notice dated 05.03.2025 has been issued, which substantiates the formal recognition of his involvement, necessitating further investigation. Further the petitioner has not co-operated during investigation and failed to comply with the summons issued to him. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances, the respondent police is directed to conduct enquiry and if any *prima facie* case is made out against the petitioner, register the F.I.R or close the petition enquiry as expeditiously as possible. The parties are directed to cooperate with the enquiry.

6. With the above directions, this criminal original petition is disposed of.

25.07.2025

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Crl.O.P.No.13156 of 2025

M.NIRMAL KUMAR, J.

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To

1. The Superintendent of Customs,
Customs Air Intelligence Unit (AIU),
Chennai International Airport,
Chennai.
2. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.13156 of 2025

25.07.2025