



CRL OP NO. 28031 of 2024

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-02-2025

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THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 28031 of 2024

A.Riyaz Mohammed
S/o. Asan Ali No. 716, JJ Nagar Korukkupet,
Washermanpet Chennai - 600021

Petitioner(s)

Vs

The Principal Commissioner Of Police
Preventive Commissionerate, Chennai III
Commissionerate, 60, Custom House, Rajaji
Salai, Chennai 600001 (unknown File No Of
2024)

Respondent(s)

For Petitioner(s):

Punnagai

For Respondent(s):

Spl.Public Prosecutor For Customs

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 132 of the Customs Act, 1962 and Section 135(1)(a) for mis-declaration and for preparation to export goods in contravention of the Customs Act and the Rules.



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2. The case of the prosecution is that the petitioner is a customs agent; that he had filed a shipping bill declaring the consignment contained goods declared as “Indian Premium Quality Frozen Boneless Buffalo Meat”; that in addition to the above said bill, he has also filed three more shipping bills declared as “Indian Halal Frozen Boneless Buffalo Meat”; that the officers of the Customs Department had detained the said consignment and sent the said goods to Indian Council of Agricultural Research (ICAR) lab, Hyderabad and concluded that the goods consisted of Bull/Ox meat instead of buffalo meat; that thus he has attempted to export prohibited items from India. Hence, the case.

3. The learned counsel for the petitioner submitted that the petitioner is innocent; that he has been falsely implicated in this case; that he has obtained pre shipment certificate from the Government of Telengana, testifying the fact that the meat is buffalo meat and that the co-accused was arrested and granted bail and hence, prayed that he may be released on anticipatory bail.

4. The learned Special Public Prosecutor for Customs appearing for the



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respondent re-iterated the prosecution case and on instructions submitted

that the meat exported by the petitioner doesn't meet the criteria of buffalo meat and hence, opposed for grant of anticipatory bail.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the respondent and also perused the materials available on record.

6. Considering the submissions made on either side; nature of allegation; that the co- accused was granted bail and since custodial interrogation of the petitioner is not required, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the **learned Additional Chief Metropolitan Magistrate EOW II, Egmore**, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only), with two sureties, each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the said Magistrate, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:



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[b] the petitioner shall report before the respondent police every day at 10:30 a.m., until further orders;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner shall not abscond 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 of BNS.

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To

1.The Principal Commissioner Of Police
Preventive Commissionerate, Chennai Iii
Commissionerate, 60, Custom House, Rajaji Salai,
Chennai 600001 (unknown File No Of 2024)

2.The Additional Chief Metropolitan Magistrate
EOW II, Egmore.

3.The Public Prosecutor,



High Court, Madras.

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