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Crl.O.P.No.24366 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.10.2025

CORAM

THE HONOURABLE MR. JUSTICE K.RAJASEKAR

Crl.O.P.No.24366 of 2025

S.Lenin

... Petitioner

Vs.

The State Rep. By,
Senior Intelligence Officer,
Commissioner of Customs,
SIIB Section, Room No.K307,
Preventive Commissionerate,
Custom House, Chennai – 600 001.
Crime No.Not Known of 2025

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on anticipatory bail
in the event of his arrest in Crime No.Not Known of 2025 on the file of the
respondent police.

For Petitioner : Mr.P.G.Thiyagu
for Mr.I.Hemnaag

For Respondent : Mr.P.Vishnu,
Special Public Prosecutor for Customs



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ORDER

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The petitioner herein apprehends arrest at the hands of the respondent police for the offence with regard to SEZ Bill of Entry No.8154329 dated 03.02.2025 under the Customs Act, 1962, in Crime No.Not Known of 2025, on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is a logistic service provider. The respondent was able to identify a container kept in his premises containing various infringed products. It was found that one of the importers, namely VR Enterprises, had stored certain prohibited items. Hence, an enquiry was initiated by the Customs Department, and the petitioner was summoned for examination. The petitioner appeared and stated that he was not aware of the nature of the goods kept in his premises and that he had permitted VR Enterprises to use the premises after proper documentation. However, it was later revealed that VR Enterprises had not stored any goods and that their ITCs were misused by one Hussain. Therefore, the petitioner was again called for enquiry for further investigation. At this stage, the petitioner has approached this Court. Hence, the complaint.



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3. The learned counsel appearing for the petitioner submitted that the petitioner is a logistic service provider and was not aware of the goods stored in his premises. He has already appeared before the Customs Department and given a proper explanation in this regard. It was further submitted that since one of the persons, namely Hussain, has not been traced, there is a possibility that the petitioner may be arrested in connection with the case. Hence, apprehending arrest, this petition has been filed.

4. The learned Special Public Prosecutor appearing for the respondent opposed the grant of anticipatory bail, reiterating the prosecution case, and submitted that on 08.04.2025, based on an NCTC alert, the warehouse of the petitioner was examined. It was found that the declared goods (wooden spoons) were absent, and instead, undeclared goods (bags, sunglasses, watches, and cosmetics, adult toys, plastic parts of lighters) were found. Since those goods could not be legally imported, an enquiry was initiated. During the enquiry, it was revealed that the petitioner's premises were used by VR Enterprises, and further, that the ITCs of VR Enterprises were misused by one Hussain. The investigation is still pending.



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

6. Considering the submissions made by the learned counsels on either side and taking into fact that the petitioner is only running a logistic service, and that the major allegations are against VR Enterprises, this Court is of the view that custodial interrogation of the petitioner is not necessary. Hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions:

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of ten days from the date of receipt of a copy of this order, before the learned **Additional Chief Metropolitan Magistrate – EO – I, (District Judge) Egmore, Chennai - 08**, on condition that the petitioner shall execute a bond for a sum of **Rs.20,000/- (Rupees Twenty Thousand Only)** with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned, and on further condition that:



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[a] if the petitioner fails to surrender before the concerned Magistrate within a period of ten days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

[b] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[c] the petitioner shall report before the respondent police for a period of two weeks, and thereafter as and when required for interrogation;

[d] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned 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)13 SCC 283]**;

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

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K.RAJASEKAR, J.

cda

To

- 1.The Additional Chief Metropolitan Magistrate – EO – I,
(District Judge) Egmore, Chennai – 08.
- 2.Senior Intelligence Officer,
Commissioner of Customs,
SIIB Section, Room No.K307,
Preventive Commissionerate,
Custom House, Chennai – 600 001.
- 3.The Public Prosecutor,
High Court of Madras.

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