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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 23/2025**

MUHAMMAD & ANR.

.....Petitioners

Through: Mr. S Vijay Kanth, Mr. Utkarsh
Tripathi and Mr. S Krishna Murthy,
Advs. (M: 7503313839)

versus

THE COMMISSIONER OF CUSTOMS

.....Respondent

Through: Mr. Harpreet Singh, SSC with Ms.
Suhani Mathur and Mr. Shivang
Chawla, Advs. (M: 9811253531)

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE DHARMESH SHARMA

ORDER

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10.01.2025

1. This hearing has been done through hybrid mode.
2. The present petition has been filed under Article 226 of the Constitution seeking the release of the Petitioners from judicial custody.
3. The background facts are that the Petitioners arrived from Jeddah to Terminal 3, IGI Airport, New Delhi on 1st January, 2025. Upon arrival, both the Petitioners were intercepted by the Respondent-Customs Department on grounds of suspicion and were sent for examination. Upon physical examination, four unevenly shaped gold bars and two rectangle gold bars, totally weighing about 1848 grams, were recovered which were, then, sent for purity testing. On confirming the nature of the goods, the Petitioners were subsequently arrested on 3rd January, 2025 for smuggling the above said gold bars upon issuing the Arrest Memo as per procedure established by law under the Customs Act, 1962. Thereafter, the Petitioners were produced before the Duty Magistrate on the same day, who upon hearing the Learned



Counsel for the Petitioner, ordered the Petitioners-accused to be remanded for a period of 13 days *vide* order dated 3rd January, 2025. Thus, this writ petition has been filed.

4. A perusal of the writ petition would show that the Petitioners are challenging the arrest on the following grounds:

- (i) No arrest memo was furnished to the Petitioners at the time when they were arrested.
- (ii) The Petitioners were not produced within 24 hours as per law before the Duty Magistrate.
- (iii) The arrest memo was tampered with and it does not contain the Document Identification Number ('DIN').

5. On the last date *i.e.*, 8th January, 2025, the Court had directed the Respondent- Customs Department to seek instructions regarding the above allegations.

6. Today, Mr. Harpreet Singh, Id. Standing Counsel has produced the file of the Department.

7. In view of the file having been perused and after some hearing, Id. Counsel for the Petitioners seeks permission to withdraw the present petition.

8. Accordingly, the present petition is dismissed as withdrawn with liberty to the Petitioners to approach the appropriate Court for availing remedies, in accordance with law.

PRATHIBA M. SINGH, J.

DHARMESH SHARMA, J.

JANUARY 10, 2025/gunn/Am