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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Decision: 16th December, 2025
Uploaded on: 18th December, 2025

\+ **W.P.(C) 2513/2025, CM APPL.48622/2025 & CM APPL.79311/2025**

RUMAN KHAN .....Petitioner
Through: Mr. Ashish Pandey, Adv.

versus

UNION OF INDIA & ORS. .....Respondents
Through: Mr. Shashank Dixit, CGSC for R-1.
Mr Piyush Beriwal, Ms Ruchita Srivastava, MS Neha, Advs. for R-2&3.

CORAM:
JUSTICE PRATHIBA M. SINGH
JUSTICE SHAIL JAIN

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.

2. The present Petition has been filed by the Petitioner under Articles 226 and 227 of the Constitution of India *inter alia* seeking issuance of an appropriate writ for release of the seized gold bar of the Petitioner, which was allegedly seized by the Respondent on 19th July, 2023.

3. The case of the Petitioner is that he had arrived at Terminal-3, Indira Gandhi International Airport, New Delhi from Saudi Arabia on 19th July, 2023. Further, he was intercepted by the officials from the Department of Customs and a Gold Bar weighing 250 gms was seized by the Customs Authority. According to the Petitioner, his statement was recorded on the same day. However, no Show Cause Notice (*hereinafter 'SCN'*) has been issued. Hence, he prays for the release of his goods *i.e,* the Gold Bar.

4. On 27th February, 2025, notice was issued in this Writ Petition and it was directed that if the gold bar has not been disposed of, the same would not be disposed of till the next date. Paragraph 6 of the order dated 27th February, 2025 reads as under:

> *"6. If the said Gold Bar has not been disposed of, the same shall not be disposed of till the next date of hearing."*

5. Thereafter, Ld. Counsel for the Respondent had submitted that the gold bar had not been disposed of. The Petitioner was permitted to appear before the Customs Authorities and a hearing was also granted. The Petitioner had then filed the written submissions and the order has also now been passed.

6. The Court has heard the Ld. Counsels appearing for the parties and has also perused the Order-in-Original dated 14th October, 2025. A perusal of the order would show that the Principles of Natural Justice have been fully complied with.

7. The gold item concerned is a gold metal bar weighing 250 gms which was detained as the Petitioner had passed through the green channel without declaring the same. The Petitioner had also made a statement when he was detained, which has been considered by the Adjudicating Authority.

8. The Petitioner is an Indian national traveling on an Indian passport, and therefore, is an ineligible passenger. The Adjudicating Authority has taken all the relevant provisions into consideration. The finding of the Adjudicating Authority is that the intention of the passenger was to smuggle the goods and Petitioner misused the green channel facility. The relevant paragraph of the said Order-in-Original dated 14th October, 2025 reads as under:

> *"9.2 The remarks on Detention Receipt, Passenger's submissions/ admissions made in the **statement dated***

> ***19.07.2023*** *indicate and establish without any iota of doubt that the Passenger had crossed the Green Channel, without declaring the Goods in possession to the Customs Officer and the Pax's intention was to smuggle the said goods. As per Circular No. 41/2000-Customs dated 12.05.2000, the norms for screening of Passenger Baggage, who walk through the "Green channel" have been prescribed, but the Pax attempted to misuse the facility. However, on the basis of the profiling of passengers, the Pax was diverted for screening of his baggage followed by DFMD, which resulted in recovery of detained goods from his possession. Thus.* ***he has mis-used the Green Channel facility and violated the provisions of Section 77 of the Customs Act, 1962****. There is no challenge to this conclusion by the passenger. at any stage.*
>
> *9.3.1 In the instant case the passenger is an Indian National holding Indian passport T1376448. A letter was forwarded to the FRRO requesting travel details of the passenger to determine his eligibility. The FRRO, New Delhi, vide letter dated 27.09.2025. informed that, as per available records, the passenger had departed from India on 15.07.2023 and returned on 19.07.2023. Prior to this, the passenger had departed on 13.06.2023 from Delhi Airport and returned on 01.07.2023 in India. Therefore, the passenger is an 'ineligible passenger' for the purpose of importing the said detained goods at a concessional rate of duty in terms of Notification No. 50/2017-Cus dated 30.06.2017 (as amended).*

9. The Adjudicating Authority has also held that the Petitioner was not allowed to import the gold and the gold bar did not constitute any personal effect. The relevant paragraph is extracted below:

> *"Therefore, he is not allowed to import gold. in any form, at concessional rate of duty as per conditions laid down under the said Notification dated 30.06.2017 (as amended). As per definition,* ***"personal effects"*** *means*

things required for satisfying daily necessities <u>but does not include jewellery</u>. Hon'ble HC vide Order dated 24.04.2025 has also stated that "In the present case, the Petitioner had imported the gold bar and has crossed through the Green Channel without declaring the same. Accordingly, in the opinion of this Court, the gold bar of the Petitioner is not a personal effect in terms of the Baggage Rules, 2016."

In the instant case, the detained gold items are "01 gold bar engraved SUISSE having purity 999 weighing 250 grams valued at Rs. 1373687.50/-" which is found to be over and above the prescribed value cap of baggage allowance as prescribed under the rule, ibid and thus needs to be considered to be 'prohibited goods" and not allowed to be imported or brought as baggage by the Pax. The Pax has claimed the ownership of the detained goods and stated that the goods belong to her as per her statement dated 19.07.2023, recorded under Section 108 of the Customs Act. 1962."

10. The Adjudicating Authority has also considered the power to grant redemption but has given reasons as to why the redemption ought not to be directed in the present case. The relevant paragraph is extracted below:

"9.5.2 Hence, I find that the goods once confiscated can be redeemed under Section 125 of the Customs Act 1962. However, redemption is not a right but discretion to be exercise by the Adjudication Authority. I find that in the instant case, as stated in the statement, the Pax had submitted that recovered gold brought by him and ***belong to him****. The fact that the detained/seized gold articles belonged to him, is not in dispute, as neither any contrary is proved against the same nor any other person claimed the ownership regarding the above said goods. In view of the facts of the case, the detained/seized Gold is* ***'Prohibited Goods' and the pax was intercepted by the Customs officer after the pax***

had crossed the Green Channel and 01 gold bar engraved SUISSE having purity 999 weighing 250 grams valued at Rs. 1373687.50/- recovered from the pax during the process of DFMD and personal search, *hence pax had clear mens-rea i.e. intent of non-declaration and smuggling of goods. He adopted ingenious method to smuggle gold which would not have been known* ***without being checked by the Customs.*** *This ingenious method itself indicates towards a guilty mind. The gold was being attempted to be removed from the Customs Area without payment of duty by the Pax. Under these circumstances, the gold items were correctly confiscated and* ***I uphold the confiscation under Section 111(d), 111(i), 1110, 111(l), 111(m) of the Customs Act, 1962.***
9.5.3 To decide whether such redemption is to be granted, I observe that Section 11(1) of the Customs Act 1962 vests the power to prohibit importation or exportation of any goods by issuing a notification in this regard. The criteria/ purpose for the same are also detailed under <u>Section 11(2)(a) to Section 11(2)(v) (as amended).</u> I observe that in the instant case the ***recovered item is 01 gold bar engraved SUISSE having purity 999 weighing 250 grams valued at Rs. 1373687.50/-, and the pax was intercepted by the Customs officer after the pax had crossed the Green Channel and Two gold chains and the said gold item was recovered from the pax during the process of DFMD and personal search,*** *hence pax had intention to smuggle the same by active concealment. He adopted ingenious method to smuggle gold which would not have been known without being checked by the Customs. This ingenious method itself indicates towards a guilty mind.* ***The gold was being attempted to be removed from the Customs Area without payment of duty by the Pax. Further, the Authorized Representative (AR) of the passenger (pax) submitted that no Show Cause Notice (SCN) was issued, nor was any oral SC served to the***

pax. However, it is on record that the pay himself submitted a request letter dated 31.07.2023, stating that he did not want to receive a written Show Cause Notice or a personal hearing in the matter, and that an oral SCN had been served. *Under these circumstances, the gold item was correctly confiscated and I uphold the confiscation under Section 111(d), 111(j), 111(l), 111(m) of the Customs Act. 1962.* ***Hence. I am not inclined to offer redemption of detained goods on payment of redemption fine.***"

11. The contention of the Petitioner is that an oral SCN was issued in the matter and then it is later recorded that there was a waiver of the SCN. Such submission of the Petitioner is contradictory and would not be tenable at this stage, inasmuch as when the Petitioner appeared before this Court in the Writ Petition, proper opportunity was granted to the Petitioner for being heard.

12. According to the Ld. Counsel for the Petitioner, Section 110(2) Customs Act, 1962, has not been followed. It is for this reason that the Court had initially entertained the present writ and had given an opportunity to the Petitioner to appear before the Adjudicating Authority and to make all his submissions therein.

13. In addition, the Petitioner has also filed a written submission before the Customs Authorities. In the said written submission, there is no justification whatsoever for the Petitioner having crossed through the green channel. The conduct of the Petitioner has not been explained by the Petitioner in any manner whatsoever. Finally, the Order-in-Original dated 14th October, 2025 directs as under:

"10. In view of the foregoing, I pass the following order:

ORDER

i) I deny the ***'Free Allowance'*** *if any admissible to the*

*passenger **Mr. Ruman Khan** for the various acts of commission and omission:*
*ii) I declare the passenger, **Mr. Ruman Khan**, an **"ineligible Passenger"** for the purpose of the Notification No. 50/2017-Cus dated 30.06.2017 (as amended) read with Baggage Rules. 2016 (as amended):*
*iii) I order **absolute confiscation of the gold bar engraved SUISSE having purity 999 weighing 250 grams valued at Rs. 1373687.50/-" recovered** from the Pax **Mr. Ruman Khan and detained vide 2255 dated 19.07.2023** under Section 111(d), 111(j), 111(l) & 111(m) of the Customs Act. 1962:*
*iv) I also impose a penalty of **Rs.1,40,000/- (Rupees One Lakh forty thousand only)** on the passenger **Mr. Ruman Khan** under Section 112(a) & 112(b) of the Customs Act, 1962."*

14. In the facts and circumstances of this case, therefore, this Court is of the opinion that the Petitioner, having deliberately carried a 250 gm gold bar through the green channel, having been given an opportunity of being heard before the Adjudicating Authority; this Court does not find any reason to interfere with the Order-in-Original dated 14th October, 2025. Accordingly, the confiscation of the gold bar is upheld along with the penalty.

15. The present Petition is accordingly disposed of in these terms. All pending applications are also disposed of.

16. The rights and remedies of the Petitioner are left open.

PRATHIBA M. SINGH
JUDGE

SHAIL JAIN
JUDGE

DECEMBER 16, 2025/*Rahul/MM*