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

+ **W.P.(C) 8253/2025**

**MOHAMMAD ANAS THROUGH SPA MOHAMMAD
SARFARAZ**

.....Petitioner

Through: Mohd. Mobin Akhtar and Mohd.
Ather Ansari, Advs. (M: 7011359907)

versus

THE COMMISSIONER OF CUSTOMS & ORS.Respondents

Through: Mr. Akshay Amritanshu, Senior
Standing Counsel with Ms. Drishti
Saraf, Ms. Drishti Rawal & Mr.
Sarthak Srivastava, Advs. (M:
9888368130)

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE RAJNEESH KUMAR GUPTA

ORDER

% **23.07.2025**

1. This hearing has been done through hybrid mode.
2. The present petition has been filed on behalf of the Petitioner-
Mohammad Anas through SPA Mohammad Sarfaraz, under Article 226 of
the Constitution of India *inter alia* seeking release of the gold bar weighing
about 250 grams, detained by the Customs department on 18th September,
2023 vide detention receipt No. 2659.
3. A brief background of the present case is that the Petitioner arrived at
the Indira Gandhi International Airport, Delhi from Saudi Arabia on 18th
September, 2023. On the Petitioner's arrival at the said airport, he was
intercepted by the Custom officials. The Petitioner claims to have intimated
the said officials of the gold bar present in his pocket and subsequently, the



said gold bar was seized from him by the Custom officials vide detention receipt No. 2659. Thereafter, on 29th April, 2025 an application was made to the Customs Department by the Petitioner, under Section 110(2) of the Customs Act, 1962 (*hereinafter*, 'Customs Act') seeking release of the gold bar, in absence of any Show Cause Notice. However, the same was not allowed. Hence, the present petition.

4. The case of the Petitioner is that no Show Cause Notice was issued in this matter and a personal hearing was also not granted. The duration of six months provided under Section 110 (2) of the Customs Act, has elapsed and hence, the goods of the Petitioner ought to be released to him.

5. However, the case of the Customs department is that when the Petitioner had approached the Customs Authority, he was given an oral show cause following which, the Petitioner had signed a waiver of personal hearing

6. Ordinarily, the Court may be inclined to release the goods of the Petitioner in such cases. However, considering the fact that in this case the items are not jewellery of personal use or a personal effect, but is instead, a gold bar, which may be used for commercial purposes, the Court is not inclined to release the same to the Petitioner.

7. Further, Id. Counsel for the Respondent has also pointed out that the Order-in-Original has been passed on 5th January, 2024. The findings in the Order-in-Original are relevant and extracted herein below:

“ I. deny the 'Free Allowance' if any, admissible to the Pax Mohammad Anas for not declaring the detained goods to the Proper Officer at Red Channel as well to the Customs Officer at Green Channel who intercepted her and recovered the detained goods from her,

II. I declare the passenger, Mohammad Anas 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 above said "One gold bar engraved SUISSE having purity 999 weight 250 grams valued Rs. 13,46,935/-" recovered from the Pax Mr. Mohammad Anas and detained vide DR No. DR/INDEL4/18.09.2023/002659 dt. 18.09.2023 under section 111(d), 111(j), 111(1) and 111(m) of the Customs Act, 1962;

IV. I also impose a penalty of Rs. 1,30,000/- (Rs. One lakh Thirty Thousand only) on the Pax Mohammad Anas under Section 112(a) and 112(a) of the Customs Act, 1962."

8. Ld. Counsel for the Petitioner submits that the Order-in-Original was not communicated to the Petitioner.

9. Since the Order-in-Original has been passed, the Petitioner is permitted to avail of his Appellate remedies by 15th September, 2025. If the appeal is filed by 15th September, 2025, the same shall not be dismissed as being barred by limitation and shall be adjudicated on merits. The Order-in-Original is taken on record.

10. The petition is disposed of along with pending application(s), if any, in the above terms.

PRATHIBA M. SINGH, J.

RAJNEESH KUMAR GUPTA, J.

JULY 23, 2025/dk/rks