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

\+ **W.P.(C) 10490/2025**

MOHAMMAD JAMEEL .....Petitioner

Through: Dr. Ashutosh & Mr. Ashish Panday, Advs. (9599437665)

versus

COMMISSIONER OF CUSTOMS .....Respondent

Through: Mr. Aditya Singla, SSC, CBIC with Mr. Ritwik Saha & Ms. Arya Suresh Nair, Advs. (7558898905).

CORAM:
JUSTICE PRATHIBA M. SINGH
JUSTICE SHAIL JAIN

ORDER

% 25.09.2025

1. This hearing has been done through hybrid mode.

2. The present petition has been filed by the Petitioner- Mohammad Jameel under Articles 226 and 227 of the Constitution of India, *inter alia*, seeking release of the two gold *kadas,* weighing 175 grams *(hereinafter, 'the detained articles'),* which were seized *vide* detention receipt dated 1st January 2025.

3. It is the case of the Petitioner that he was working in Saudi Arabia and had purchased some gold for the wedding of his daughter. The Petitioner got the said gold converted into two *kadas, i.e.* the detained articles. Upon his arrival at the Indira Gandhi International Airport, New Delhi from Saudi Arabia on 1st January, 2025, the same were detained by the Customs Department.

4. The appraisement of the detained articles was done by the concerned officials of the Customs Department. However, till date no show cause notice *(hereinafter, 'SCN')* has been issued. Thus, it is the case of the Petitioner that the time for issuance of SCN has also lapsed in terms of Section 110 of the Customs Act, 1962. Thus, the detained articles shall be directed to be released.

5. On the contrary, ld. SCC for the Respondent on the last date of hearing, had submitted that proper particulars of the Petitioner, such as his travel details and his valid employment proof in Saudi Arabia have not been placed on record. He further submitted that a perusal of the employment card would show that the Petitioner does not have a valid employment permit in Saudi Arabia as on date.

6. Another contention raised on behalf of the Customs Department is that this is not a case of *'personal effects'*, since the detained articles are not old, used jewellery, therefore, the Petitioner ought to have declared the same when he arrived at Delhi.

7. After hearing the submissions of the parties, the Court had considered the matter and had perused the wedding card of the Petitioner's daughter. It was then observed that there is no doubt that the Petitioner did make a mistake by not declaring the detained articles with the Customs Department when he arrived at the Indira Gandhi International Airport, New Delhi. However, the continued detention of the same without issuance of any SCN or passing of an Order-in-Original could not be held tenable.

8. Under such circumstances, the following directions were issued to the Customs Department on the last date of hearing i.e. 22nd July, 2025:

"7. Under such circumstances,let the Petitioner appear before the Customs Department for personal hearing. The Customs Department shall hear the Petitioner, peruse his complete documents including his passport and pass an order in accordance with law in respect of the customs duty as also fine which would be payable by the Petitioner.
8. Let the said order be placed before the Court on the next date of hearing.
9. The Petitioner shall appear before the Customs Department on 3rd September 2025 at 11.30 am."

9. Today, the Court is informed that an Order-in-Original has been passed on 24th September 2025 which records as under:

"ORDER
i) I deny the Free Allowance' if any admissible to the Pax Mohammad Jameel for not declaring the detained goods to the Proper Officer at Red Channel as well to the Customs Officer at Green Channel who intercepted him and recovered the detained goods from him.
ii) I declare the passenger, Mohammad Jameel an "eligible 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 confiscation of the above said detained goods i.e. "02 Gold Bangles having purity 999 weighing 175 grams valued at Rs. 13,57,342/-" recovered from the Pax Mohammad Jameel and detained vide DR No. DR/INDEL4/01.01.2025/000036346 dated 01.01.2025, under Section 111(d), 111(j), 111(1) & 111(m) of the Customs Act, 1962;
iv) I give an option to redeem, the goods confiscated, above, on payment of fine of Rs. 1,70,000/- *(Rs. One lakh seventy thousand only) along-with applicable rate of Customs duty on tariff valuation as on the date of detention of goods under Section 125 of the Customs*

> *Act, 1962 and allow the same for "release". I allow redemption of the detained goods within 120 days of issue of this order under Section 125(3) of the Customs Act, 1962). The redemption is allowed after the completion of legal formalities in this regard and also on fulfillment of any regulatory clearances/ approvals/ payments, as required. The offer of redemption. if accepted, shall be subject to condition that the Passenger shall not dispute the identity and valuation of the goods. The offer of redemption shall cease after 120 days of the receipt of this order.*
> ***v) 1 also impose a penalty of Rs. 1,35,000/- (Rs One lakh thirty five thousand only on the Pax, Mohammad Jameel under Section 112(a) & 112(b) of the Customs Act, 1962."***

10. As can be seen from the above Order-in-Original, the Petitioner has been declared as an eligible passenger and has been given the option to redeem the detained articles upon payment of fine, along with penalty.

11. Accordingly, let the Petitioner appear before the Customs Authority on 8th October, 2025 for payment of the amount in terms of Order-in-Original 24th September, 2025. Upon payment of such amount, the detained articles shall be released to the Petitioner.

12. The petition is disposed of in the above terms. Pending application, if any, are also disposed of.

PRATHIBA M. SINGH, J.

SHAIL JAIN, J.

SEPTEMBER 25, 2025
kk/ss