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

\+ **W.P.(C) 12748/2025**

NAFEES AHMAD .....Petitioner

Through: Mohd. Ather Ansari & Md. Mobeen Akhtar, Advs. (9811013940).

versus

THE COMMISSIONER OF CUSTOMS & ORS. .....Respondents

Through: Mr. Shubham Tyagi, SSC, CBIC with Ms. Navruti Ojha, Mr. Rishabh Chauhan & Mr. Harish Saini, Advs. (9650049869)

CORAM:
JUSTICE PRATHIBA M. SINGH
JUSTICE SHAIL JAIN

<u>O R D E R</u>

% 22.08.2025

1. This hearing has been done through hybrid mode.

2. The present petition has been filed on behalf of the Petitioner- Nafees Ahmad under Articles 226 and 227 of the Constitution of India, *inter alia*, challenging the Order-in-Appeal dated 3rd March, 2025 *(hereinafter, the 'impugned order')* passed by the Commissioner of Customs (Appeals).

3. A brief background of the present case is that the Petitioner is an Indian national who is stated to be working as a driver in Saudi Arabia for last several years. The Petitioner arrived at the Indira Gandhi International Airport, Delhi from Saudi Arabia on 30th December, 2023. However, on his arrival, three gold bars weighing 220 grams *(hereinafter, 'gold bars')* were seized from his possession, by the Customs department vide detention receipt dated 30th

December, 2023. The gold bars were appraised on 3rd January, 2024 and the Petitioner is stated to have signed a pre-printed form for appraisement of the detained goods.

4. Thereafter, on 21st March, 2024 the Petitioner filed an appeal against confiscation of the detained goods bars and sought release of the same. However, vide the impugned order, the Commissioner of Customs (Appeals) directed release of the gold bars, in the following terms:

> *"6.0 In light of discussions and findings as above, | allow the appeal partially against OIO No. 1269/003426/30.12.2023/WH/2023-24 dated 01.03.2024 passed by the Joint Commissioner of Customs, T-3, IGI Airport, New Delhi- 110037 and impugned goods i.e. "(i) One gold bar engraved SUISSE, having purity 999, weight 20 grams, valued at Rs.1,24,124/- (ii) two gold bars engraved NAIF, having purity 999, weight 200 grams, valued at Rs.12,41,244/- (Total value Rs.13,65,368/-)" are allowed to be released to the appellant/authorized representative on payment of redemption fine of Rs.1,40,000/- (Rupees One Lakh Forty Thousand only) under Section 125 of the Customs Act, 1962 along with applicable Customs Duty. The penalty of Rs.1,30,000/- (Rupees One Lakh Thirty Thousand only) imposed on the Appellant under Section 112(a) & 112(b) of the Customs Act, 1962 is upheld. The Appeal is disposed off with such modifications and consequential relief as above."*

5. The case of the Petitioner is that the Customs Department has filed a revision with respect to the above order but there is no stay in the same. Hence, the goods are liable to be released unconditionally.

6. Considering the nature of the goods which have been seized in the matter, which consists of three gold bars weighing 220 grams, it is clear that

they are not personal effects in terms of the Baggage Rules, 2016.

7. In view thereof, this Court is of the opinion that the revision petition may be decided at an early date. The Revisional Authority is, accordingly, directed to dispose of the revision filed by the Customs Department within two months under notice to the Petitioner.

8. The Petitioner prays for a personal hearing before the Revisional Authority.

9. Accordingly, let a personal hearing notice be given to the Petitioner in September on the following email address and mobile no.:

Email: mohammedatheransari@gmail.com

Mobile No.: +91 7011359907

10. After hearing the Petitioner, an order shall be passed by the Authority by 15th November 2025.

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

PRATHIBA M. SINGH, J.

SHAIL JAIN, J.

AUGUST 22, 2025

Kk/rks