



\$~65

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 13810/2025**

LAXMI PAT BOTHRA

.....Petitioner

Through: Ms. Richa Kumari, Mr. Pawan & Mr.
Prashant Chaudhary, Advs.

versus

COMMISSIONER OF CUSTOMS

.....Respondent

Through: Mr. Harpreet Singh, SSC, CBIC.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE SHAIL JAIN

ORDER

% **09.09.2025**

1. This hearing has been done through hybrid mode.
2. The present petition has been filed by the Petitioner under Article 226 of the Constitution of India, *inter alia*, seeking release of the gold items which were detained from the Petitioner when he travelled from Hong Kong to India on 12th September, 2024. The gold items detained *vide* detention receipt bearing no. DR/INDEL4/12.09.2024/005103 dated 12th September, 2024 are as under:
 - i. One gold chain, weighing 70 grams;
 - ii. One diamond studded gold bracelet, weighing 34 grams.
3. After the detention, the appraisalment of the gold items was done and the total value of the same has been determined at Rs.9,95,546/-. The Order-in-Original dated 2nd May, 2025 was passed and the Petitioner was permitted to redeem the gold items in the following manner:

“

ORDER

i) I deny the 'Free Allowance' if any, admissible to the Pax Mr. Laxmi Pat Bothra 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, Mr. Laxmi Pat Bothra, is an “ineligible Passenger” for the purpose of the Notification No. 50/2017-Customs dated 30.06.2017 (as amended) read with Baggage Rules, 2016 (as amended).

iii) I order confiscation of “(i) One gold chain having average purity 938, weight 70 grams and Valued at Rs. 4,82,141/- (ii) One diamond studded gold bracelet-32*30 cent, 8*50 mellee having average purity 591, weight 34 grams and Valued at Rs. 5,13,405/- (Total valued at Rs. 9,95,546/-)” recovered from the Pax Mr.Laxmi Pat Bothra and detained vide DR No. DR/INDEL4/12.09.2024/005103 dt. 12.09.2024 under section 111(d), 111(j) and 111(m) of the Customs Act, 1962;

iv) I give an option to redeem, the goods confiscated, above, on payment of fine of Rs.99,000/= (Rupees Ninety Nine Thousand only) and I allow release of the detained goods within 120 days of issue of this order under Section 125(3) of Customs Act, 1962. The redemption is to be allowed after the completion of legal formalities in this regard and also fulfillment of any regulatory clearances/approvals required. The offer of redemption, if accepted, shall be subject to condition that the Pax shall not dispute the identity and valuation of the detained goods. The offer of redemption shall cease after ‘One Hundred Twenty Days’ from date of the receipt of this order;

v) I also impose a penalty of Rs 99,000/= (Rupees Ninety Nine Thousand only) on the Pax Mr. Laxmi Pat Bothra under section 112 (a) and 112(b) of the Customs Act, 1962.”

4. The case of the Petitioner is that after the Order-in-Original was passed, several emails have been written to the Customs Department seeking release of the gold items in terms of the Order-in-Original. However, the same has not been permitted till date.

5. Ld. Counsel for the Respondent submits that the Order-in-Original gave 120 days to the Petitioner to redeem the gold items and the said time has



expired.

6. Heard. Considering the nature of the matter and the fact that the Petitioner in effect seeks for the Order-in-Original to be implemented, the Petitioner is free to pay the redemption fine and seek release of the goods.

7. In the facts of this case, the warehousing charges are waived as there is an invoice to show that the same was purchased by the Petitioner in India itself in 2016 and even the photographs which have been placed on record would clearly show that the Petitioner has used these gold items and worn them in the past.

8. The Petitioner shall accordingly appear before the Customs Department on 18th September, 2025. On the said date, upon the payment of the redemption fine without any warehousing charges, the gold items shall be released to the Petitioner.

9. The Nodal Officer mentioned below shall facilitate the Petitioner's appearance before the competent authority for compliance with the present order:

Mr. Sandeep Lamba, Superintendent, Customs
Office of Commissioner, Customs
IGI Airports, T-3, New Delhi
Mobil No.7405345000
Email id: igilegaldelhi@gmail.com

10. Petition is disposed of in these terms. All pending applications, if any, are also disposed of.

PRATHIBA M. SINGH, J.

SHAIL JAIN, J.

SEPTEMBER 9, 2025/Rahul/Ck