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

Date of decision: 25th September, 2025

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W.P.(C) 14957/2025

MOHAMMAD JUNAID

.....Petitioner

Through: Mr. Jitendra Rexwal & Mr. Ashif
Khan, Advs.

versus

COMMISSIONER OF CUSTOMS

.....Respondent

Through: Mr. Harpreet Singh, SSC with Ms.
Suhani Mathur, Mr. Jai Ahuja, Ms.
Sanidhya Sharma, Mr. Akshay Saxena
& Ms. Shivali Saxena, Advs.

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 seeking quashing of Order-in-Original dated 28th May, 2025 (*hereinafter, 'the OIO'*) passed by the office of Commissioner of Customs, New Delhi. The Petitioner further seeks release of his detained article i.e. one gold bar.
3. The background of the case is that the Petitioner, who is an Indian national, was traveling from Doha, Qatar to India on 1st July, 2024 and upon his arrival at the IGI Airport, New Delhi, a gold bar weighing 117 grams with purity 998, valued at Rs. 7,87,017/- (*hereinafter, 'the detained article'*) was seized from his possession *vide* detention receipt dated 1st July, 2024. A



statement of the Petitioner under Section 108 of the Customs Act, 1962, was also recorded.

4. Thereafter, the OIO was passed on 28th May, 2025, denying free allowance and directing confiscation of the detained article. Option of redemption was given to the Petitioner. Relevant portion of the OIO reads as under:

“ORDER

I. I deny the ‘Free Allowance’, if any admissible to the Pax Mohammad Junaid 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 order confiscation of the “One gold bar engraved No. ‘TT044200’ having purity 998, weighing 1 I7 grams, valued at 7,87,017/-“ recovered from the Pax Mohammad Junaid and detained vide DR No. “DR/INDEL4/01.07.2024/004745 dt. 01.07.2024 UNDER Section 125 of the Customs Act, 1962.

iii. I give an option to redeem the goods confiscated above, on payment of a fine of Rs.80,000/- (Rupees Eighty Thousand only) under Section 125 of the Customs Act, 1962 and allow the same for “re-export” only by the Pax or his AR as the pax has valid “State of Qatar Residency Permit II) Card No. 28535674475 expiry date 13.07.2025”. 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 detained goods. The offer of redemption shall cease after 'One Hundred Twenty Days' from date of the receipt of this order.

iv. I also impose a penalty of Rs. 1,00,000/- (Rs. One lakh only) on the Pax. Mohammad Junaid under Section 112(a) and 112(b) of the Customs Act, 1962."

5. Mr. Harpreet Singh, Id. SSC submits that an appeal has already been transmitted to the Commissioner of Appeals in respect of the OIO.

6. In view thereof, at this stage, the Court would be unable to intervene. The only direction that can be given is that the appeal filed by the Department shall be heard expeditiously and shall be disposed of within 4 months. For the said purpose, personal hearing notice shall be given to the Petitioner on the following email address and mobile number:

➤ **Email Id: shavaizfaruqui9968@gmail.com**

➤ **Mobile No.: 7452064520**

7. Let a copy of the appeal be served upon the Id. Counsel for the Petitioner.

8. It is further directed that the gold bar of the Petitioner, which was detained, shall not be disposed of during the pendency of the appeal and *status quo* shall be maintained.



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9. The petition is disposed of in these terms. All pending applications, if any, are also disposed of.

PRATHIBA M. SINGH
JUDGE

SHAIL JAIN
JUDGE

SEPTEMBER 25, 2025/hk/pd/ss