

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.75670 of 2025**

Arising Out of PS. Case No.-11 Year-2025 Thana- D.R.I District- Patna

Pawan Kumar Son of Sri Vijay Saw, Resident of Village -Nandai, PS  
-Bhadwar, Dist- Gaya.

... .. Petitioner

Versus

1. The State of Bihar.
2. The Union of India through, Intelligence, Officer, DRI, Regional Unit Patna Bihar.

... .. Opposite Parties

**Appearance :**

|                    |   |                                   |
|--------------------|---|-----------------------------------|
| For the Petitioner | : | Mr. Shri Prakash Tiwari, Advocate |
| For the State      | : | Mr. Vinod Shanker Modi, APP       |
| For the DRI (UoI)  | : | Mr. Sanchay Srivastava, Sr. SC    |
|                    |   | Mr. Ankit Kumar Singh, Jr. SC     |
|                    |   | Mr. Sushant Srivastava, Advocate  |
|                    |   | Mrs. Sonali Priya, Advocate       |

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

3      21-01-2026                      Heard learned counsel for the petitioner, learned  
counsel for the Union of India (DRI) and learned A.P.P. for the  
State.

2. Learned counsel for the petitioner has furnished  
a copy of the counter-affidavit in the Court itself.

3. In the present case, the petitioner seeks bail in  
connection with Complaint Case No. 16(O)25, arising out of  
DRI Unit Case No. 11 of 2025-26, registered for the offence  
punishable under Section 135(1) of the Customs Act.

4. As per the prosecution case, petitioner was found  
in possession of gold bullion weighing about one kilogram  
concealed in his shoes. The gold was found to be smuggled



from Bhutan.

5. Learned counsel appearing on behalf of the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. Nothing incriminating has been recovered from person or possession of this petitioner and story of prosecution about concealing of gold in shoes of the petitioner is unbelievable. The petitioner, like every other passenger, was travelling from the train in which the gold was kept in a small cotton bag by any of the passengers and the petitioner was apprehended and made accused for possession of the said gold. The *panchnama* witnesses are stock witnesses of DRI. There is no voluntary confession by the petitioner. Learned counsel further submits that petitioner is not the owner of the seized gold and at most, he could be termed as a carrier. There is nothing on record to show that the gold was smuggled. The import of gold is not prohibited and it is a restricted commodity subject to prescribed payment of duty and the learned counsel referred to the case of ***Commissioner of Customs v. Atul Automations Pvt. Ltd.***, reported in ***(2019) 3 SCC 539***. He further submits that for the offence alleged the maximum punishment is up to seven years and the petitioner has remained in custody since 14.07.2025. Learned counsel lastly submits that



petitioner is having clean antecedent and prosecution report is filed.

6. Learned A.P.P. appearing on behalf of the State as well as learned counsel appearing on behalf of DRI oppose the submissions made on behalf of the petitioner. Learned counsel for the DRI submits that petitioner was found in possession of smuggled gold and he has concealed it in his shoes. The gold is worth more than rupees one crore.

7. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the nature of allegation and also considering his period of custody and filing of prosecution report, the petitioner, above-named, is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Presiding Officer, Economic Offence Court, Patna / concerned Court, in connection with **Complaint Case No. 16(O)25, arising out of DRI Unit Case No. 11 of 2025-26**, subject to the condition laid down under Section 480(3) of the B.N.S.S. and other following conditions:

*(i) One of the bailors will be a close relative of the petitioner.*



*(ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial Court.*

*(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the Court concerned.*

**(Arun Kumar Jha, J)**

Shahnawaz/-

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