

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.84854 of 2025**

Arising Out of PS. Case No.-29 Year-2024 Thana- D.R.I District- Patna

Khokan Swarnakar @ Aaloo Son of Laxman Swarnakar Resident of B. S.  
Road English Bazar, Malda, West Bengal

... .. Petitioner/s

Versus

The Union of India through Nilay Mitash, Senior Intelligence Officer DRI,  
Regional Unit, Patna

... .. Opposite Party/s

**Appearance :**

|                      |   |                                   |
|----------------------|---|-----------------------------------|
| For the Petitioner/s | : | Mr. Shri Prakash Tiwari, Advocate |
| For the State        | : | Dr. Krishna Nandan Singh (A.S.G.) |
| For the DRI          | : | Mr. Amit Pandey, Sr. Advocate     |

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

6      30-03-2026                      Heard learned counsel for the petitioner, opposite  
party no. 2 and the State.

2. Petitioner apprehends arrest in Complaint Case No.  
20(O) of 2024 arising out of DRI, Patna Unit Case No. 29 of  
2023-24 registered for the offences punishable under Sections  
135(1)(a), 135(1)(b) of the Customs Act.

3. As per the prosecution case, on secret information  
regarding gold smuggling from Malda to Patna by a train, an  
inspection was made and co-accused Kaushal Yadav, Upendra  
Manjhi and Deepak Kumar were apprehended from Train No.  
20501 at Patna Junction Railway Station with 22 pieces of gold  
bullion, mobile phones, sims and cash. The apprehended  
accused persons disclosed the name of this petitioner as one of



their associates.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. Name of the petitioner transpired during course of investigation in confessional statement of the apprehended co-accused persons. As a matter of fact, petitioner is an artisan of gold jewelley who used to own a jewellery shop in Malda, West Bengal and used to accept orders from different customers for specialized work of *Meena* in gold and silver jewellery but after 2017, he switched over in transport services. No incriminating article has been recovered from the possession of petitioner and he has got no concern with the alleged recovery. Petitioner claims clean antecedent.

5. Learned counsel for the DRI vehemently opposed the bail application and submitted that the apprehended accused persons admitted purchasing the seized gold bullion from this petitioner after paying Rs. 1,61,00,000/- in cash. Petitioner used to communicate with the co-accused persons on WhatsApp through a mobile number, registered in his name. Moreover, despite repeated issuance of summons under Section 108 of the Customs Act, petitioner deliberately failed to appear before the investigating authority.



6. Considering the nature and gravity of accusation,  
conduct and non-cooperation of the petitioner in investigation,  
prayer for anticipatory bail of the petitioner is refused.

**(Prabhat Kumar Singh, J)**

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