

18.06.2026
Sl. No.2
Ct. No.237
S.A.

**CRR 1607 of 2025
with
CRAN 5 of 2026**

**Vipul Harish Thakkar & Ors.
-vs-
The State of West Bengal & Anr.**

Mr. Apalak Basu
Mr. Aniruddha Mitra
Ms. Sompurna Chatterjee
Ms. Shanghamitra Mridha
Mr. Yavik Singhal

...for the petitioners

Mr. Kaushik Dey
Mr. Tapan Bhanja
Mr. Gourab Karmakar

...for DRI Authority

The petitioners challenge the order dated November 5, 2024, passed by the Learned Chief Judicial Magistrate, Calcutta, in Misc. Case No. 94 of 2023 arising out of CS/204070/2024.

It appears that the complaint was instituted under Sections 135(1)(a)(i)(A) and 135(1)(b)(i)(A) of The Customs Act, 1962. By the impugned order, the Learned Magistrate, on the very first date of hearing, took cognizance of the alleged offences and issued non-bailable warrants against the petitioners.

In my considered view, the Learned Magistrate ought not to have issued non-bailable warrants against the petitioners on the very first date of hearing. Moreover, the Learned Magistrate erred in taking cognizance of the matter without affording the petitioners an opportunity of being heard, in view of Section 223 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

Support for this view is also found in the judgment rendered in **2026 SCC OnLine SC 903 (*Parvinder Singh v. Directorate of Enforcement*)**.

Accordingly, the order dated November 5, 2024, is set aside.

The Learned Magistrate shall not take cognizance of the alleged offences without first granting the petitioners an opportunity of hearing.

Consequently, **CRR 1607 of 2025** is allowed and **CRAN 5 of 2026** stands disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties on usual undertakings.

(Kausik Chanda, J.)