

30.01.2026
Sl. No.22
NB

CRM (A) 4257 of 2025

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with DR/KZU/AS/ENQ-58/2025/2864 dated November 7, 2025 and F No.DRI/KZU/AS/ENQ-58/2025/3009 dated July 9, 2025 under Section 135 of the Customs Act.

And

In the matter of: Shams Tabrez

... petitioner

Mr. Protim Priyo Dasgupta,
Ms. Diksha Ghosh.

...for the petitioner.

Mr. Kaushik Dey,
Mr. Tapan Bhanja.

..for the OP.

Learned counsel appearing on behalf of the petitioner submits that the petitioner has an import and export business. He had arranged for tickets for his employee, the co-accused. He was not aware that the co-accused would be carrying gold of foreign origin into the country.

Learned counsel appearing on behalf of the DRI opposes the prayer for anticipatory bail. He relies on the statements of the co-accused as well as the statements of other witnesses including the travel agent arranging the tickets. The co-accused was found to bring into India gold of foreign origin to the tune of more than rupees 1Crore 40 Lakhs. The petitioner is the one who had been arranging for tickets for the said co-accused (as well as other persons) for such illegal activities. This can be substantiated from the statement of the travel agent. A notice was given to the petitioner under Section 108 of the Customs Act and he was duty bound to respond. Instead, he was filed an application for anticipatory bail.

Considering the above and the other incriminating materials available in the case diary, I do not consider this to be a fit case for granting anticipatory bail.

The application for anticipatory bail is, thus, rejected.

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta, J.)