09.11.2026
Ct. No. 07
Item No.1ADSL
Sws.M/Rup
Allowed

C.R.M. (M) 2969 of 2026

In Re : An Application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with complaint case No. 91 of 2026 pending before the learned Additional Chief Judicial Magistrate, Bongaon, North 24 Parganas arising out of F.No. DRI/IZU/96-2026/CI/INT-17/ENQ-26 under Sections 132, 135(1)(a) and 135(1) (b) of the Customs Act, 1962 punishable under Section 135(1) (i) (A) and (B) of the Customs Act, 1962.

And

In Re : SANJAY GUPTA

.....petitioner

Mr. P.B. Suresh, Sr. Adv.
Mr. Vishnu Shanka Jain
Mr. Parth Yadav
Ms. Mani Munjal
Mr. Simran More

... For the Petitioner.

Mr. Vipul Kundalia, Sr. Adv.
Mr. Nadeen Suleiman
Mr. Tapan Bhanja
Mr. Anindya Kanan

... For the DRI authority.

Based on an allegation that the petitioner had evaded payment of customs duty while importing areca nuts from Bangladesh, the present case came to be registered against the petitioner and some other accused persons.

Mr. Suresh, learned senior advocate appearing for the petitioner, submits that the other co-accused persons are on bail and that a search was conducted at the residence of the petitioner. However, no incriminating material was recovered from the possession of the petitioner. He further submits that the petitioner is not the importer and had merely purchased the materials from the persons who were the importers, and that the said importers are

already on bail. He further submits that the petitioner has been in custody for 32 days and that further detention of the petitioner is not necessary.

He also submits that, after being illegally napped by the respondent, the petitioner was compelled to move a writ petition under Article 32 of the Constitution of India before the Hon'ble Supreme Court, which was registered as Writ Petition (Criminal) Diary No. 69549 of 2026. In the said proceedings, the Hon'ble Supreme Court was pleased to observe that the first step on the part of the petitioner should have been to seek his release on bail and, in the circumstances, permitted the petitioner to file the present writ application seeking bail.

Mr. Kundalia, learned senior advocate representing the respondents, submits that the petitioner is the owner of three companies and is the mastermind behind the importation of all these materials. He further submits that the petitioner used to pay the value of the goods through Hawala and is an influential person. In the event the petitioner is released on bail, he may tamper with the evidence. He has already destroyed his own mobile phone.

Mr. Kundalia further submits that the petitioner had withdrawn the bail application filed before the learned Sessions Judge.

Heard the learned advocates for the respective parties. Perused the materials on record, including the order passed by the Hon'ble Apex Court in Writ Petition (Criminal) Diary No. 69549 of 2026. Admittedly, some of the co-accused persons are on bail and the investigation has substantially progressed. The relevant documents are in the custody of the Customs authority and, even

after conducting the search, no incriminating material was recovered from the possession of the petitioner. The petitioner has no previous criminal antecedents.

Considering all these aspects and the period of detention already undergone by the petitioner, I am of the view that further detention of the petitioner will not serve any purpose. Accordingly, the petitioner may be enlarged on bail, subject to certain conditions.

Accordingly, the prayer for bail is allowed.

The petitioner, namely **Sanjay Gupta** be released on bail upon furnishing bond of Rs.50,000/- (Rupees Fifty Thousand only), subject to the satisfaction of the learned Additional Chief Judicial Magistrate, Bongaon, North 24 Parganas. The petitioner shall meet the investigating officer once in a week and the petitioner shall deposit his Passport with the investigating authority, till the completion of the investigation. These conditions shall remain effective until further order of this Court. The petitioner shall not tamper with evidence or intimidate witnesses in any manner whatsoever.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Partha Sarathi Chatterjee, J.)