

02.01.2026

Court No.35.

D/L. 23.

Kausik

CRM (R) 167 of 2025

In Re: An Application for bail under Section 439 of the Code of Criminal Procedure, 1973/under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Misc. Case No. 197 of 2025 under Section 135 of the Customs Act, 1962.

And

In the matter of : Rahul Kumar

.....Petitioner.

Mr. Phiroze Edulji, Sr. Adv.
Mr. Koushik Kundu
Ms. Muskan Sharma
Mr. Abhimunya Kunwar
Ms. Priyanka Bhattacharya

.....for the Petitioner.

Mr. Kaushik Dey
Mr. Tapan Bhanja

....for the DRI Authority.

Mr. Krishnendu Bhattacharya
Mr. Tapodip Gupta

.....for the Union of India.

Affidavit-in-opposition filed by the DRI Authority and the Affidavit-in-reply filed by the petitioner be kept with the record.

Mr. Edulji, learned Senior Advocate appearing for the petitioner submits that the petitioner was arrested on 27.11.2025 and since then he is in custody. Learned Senior Advocate submits that the petitioner has been falsely implicated in connection with the instant case and there are

hardly any materials to connect the present petitioner with the offence. In spite of the same the Investigating Authorities are trying to detain the petitioner for reasons best known to them.

Learned advocate for the DRI Authority and Union of India opposes the prayer for bail. Learned advocate for the DRI Authority has placed the records particularly the documents which have been collected in course of the investigation and emphasized on the factum of misdeclaration being made in respect of the goods seized and the subsequent search and seizure carried out by the DRI Authorities. The Investigating Agency has placed all the documents which have been collected in course of investigation and submitted that on 01.01.2026 one of the accused person has been arrested and the Investigating Agency requires to interrogate both the accused persons in order to unearth the truth.

I have taken into account the statement under section 108 of the Customs Act of the present petitioner and if the entirety of the same is taken to be true, I am of the view that after the joint interrogation, if required, between the petitioner and the other accused who has been arrested only a day before, the petitioner should be released on bail.

Accordingly, I grant 10 days time from date to the Investigating Agency to check, cross-check and/or carry out their official activities for the sake of investigation and having regard to the tenure for which the petitioner has already been in custody, I direct the learned CJM, Calcutta to release the

petitioner on bail on 13.01.2026 on such terms and conditions as the learned CJM deems fit and proper. The learned CJM, Calcutta is directed to fix 13.01.2026 as a date for production of the present petitioner before the Court.

Both the parties would present themselves before the Court through their learned Advocates. The conditions which the DRI Authorities would pray, should be considered by the learned CJM at the time of release of the petitioner.

With the aforesaid directions CRM (R) 167 of 2025 is disposed of.

In case, there is non-cooperation from the Jail Authorities, the same be brought to the notice of the learned CJM, Calcutta who would pass stringent direction upon the Jail Authorities.

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

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

(Tirthankar Ghosh, J.)