

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.5 OF 2026

Khalil Ashraf Surve

... Applicant

Vs.

The State of Maharashtra

(at the instance of Senior Intelligence

Officer Department of Revenue &

Intelligence Zonal Unit, Mumbai)

... Respondent

Mr. Mohammed Wasim Qureshi a/w Ubaid i/by Qureshi & Associates for the Applicant.

Mr. Rushikesh Munde, SPP a/w Shatabdi Netke for the Respondent-DRI.

Mr. S. R. Agarkar, APP for the State.

CORAM : N.R. BORKAR, J.

DATE : 27TH FEBRUARY 2026

P.C. :

1. This is an Application for anticipatory bail.

2. The Applicant is apprehending his arrest in File No.DRI/MZU/NS-II/INT-33/ENQ-16/2025 registered by the Directorate of Revenue Intelligence (DRI), Mumbai Zonal Unit for the offence punishable under Section 135 of the Customs Act, 1962.

3. It is the case of the prosecution that on 21st February 2025 the Directorate of Revenue Intelligence acted upon specific intelligence and apprehended four co-accused in the present crime at Mumbai Airport. Upon conducting their personal search, 24 carat foreign origin gold

weighing 3900 grams and worth Rs.3,47,10,000/- being attempted to be smuggled in India was recovered from their possession. During the course of investigation, statements of the co-accused came to be recorded, therein it was found that the present Applicant was a part of the gold smuggling syndicate operated by co-accused Faiz Ghawte. It is alleged that the present Applicant was involved in collecting the smuggled gold from the carriers and further distributing the same to buyers in India. It is further alleged that the Applicant was making payments to other syndicate members and carriers on behalf of the syndicate leader.

4. I have heard Learned Counsel for the Applicant and Learned SPP for the Respondent-DRI.

5. Learned Counsel for the Applicant submits that the Applicant has nothing to do with the alleged crime. It is submitted that the statements of co-accused cannot be relied upon to connect the Applicant with crime in question. It is submitted that nothing is to be recovered at the instance of the present Applicant and therefore there is no need of custodial interrogation. It is further submitted that there are no other criminal antecedents against the present Applicant.

6. On the other hand, Learned SPP for the Respondent-DRI submits that the Applicant is involved in a serious crime of gold smuggling. It is submitted that apart from the statements of co-accused, there is material to show that the Applicant was a part of the WhatsApp group formed by the co-accused Faiz Ghawte for smuggling the gold. It is submitted that

there is also material to show the existence of financial transactions between the present Applicant and the other co-accused. It is submitted that to unearth the larger conspiracy, the custodial interrogation of the Applicant is necessary. It is submitted that considering the nature of crime, the Applicant may not be released on anticipatory bail.

7. I have perused the papers of investigation. It appears from the papers of investigation that the present Applicant used to collect the smuggled gold from the carriers and was making payments to them and other syndicate members. It further appears that the Applicant was a part of the WhatsApp group formed by the co-accused. Considering the nature of offence, I am not inclined to release the Applicant on anticipatory bail. Hence, the present Anticipatory Bail Application is rejected.

(N.R. BORKAR, J.)