

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.321 OF 2026

Syed Khalid Ahmed	...Applicant
<i>Versus</i>	
The State of Maharashtra	...Respondent

Mr. Mohammed Zain Khan a/w. Mr. Ashraf Kapoor i/b. One Legal,
for the Applicant.
Ms. R. V. Newton, APP, for the Respondent-State.

CORAM: MADHAV J. JAMDAR, J.
DATED : 5th FEBRUARY 2026

PC:-

1. Heard Mr. Kapoor, learned Counsel appearing for the Applicant and Ms. Newton, learned APP appearing for the Respondent-State.

2. This application is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking pre-arrest bail in connection with F. No.DRI/MZU/NSI/INT-111/ENQ-43/2025 registered with Directorate of Enforcement (“DRI”).

3. The factual aspects involved in the case are set out in paragraph No.2 of the order dated 19th January 2026 passed by the

learned Additional Sessions Judge, Panvel-Raigad, at Panvel, which reads as under:

“02. Facts giving rise to the filing of present application are that, specific Intelligence received by the DRI indicated that the goods imported by M/s. Shanaya Blossoms (IEC AFUPH 9230E) under B/E No.3740225, dt.07/08/2025 might be misdeclared/undeclared and cosmetic products in the quantities might be smuggled in container No. BSIU 9320830 instead of the declared goods viz floor cleaner, bathroom cleaner, dish washer and fabric softener. Upon examination it was found that goods were completely mis-declared/undeclared and the container was found to be stuffed with various cosmetic products and this cosmetic products also included goods of Pakistan origin in huge quantities to the sum of Rs.5,33,73,552/-. After Panchanama was drawn 08/08/2025 and 09/08/2025, the statements of co-accused were recorded by the DRI on 28/10/2025 and thereafter they came to be arrested. During the course of investigation summonses are issued to applicant on 18/08/2025, 04/09/2025 and 12/09/2025, u/sec.108 of the Customs Act, 1962 to remain present before the DRI for giving statement. Therefore, he apprehends his arrest in connection with the said case. Hence, it is prayed by applicant that the relief of pre-arrest bail be granted to him.”

4. As per the case of DRI instead of the declared goods viz. Floor cleaner, bathroom cleaner, dish washer and fabric softner, upon examination, it was found that goods were completely mis-declared/undeclared and the container was found to be stuffed

with various cosmetic products and this cosmetic products also included goods of Pakistan origin in huge quantities to the sum of Rs.5,33,73,552/-.

5. The Applicant is proprietor of M/s. Al-kabir Impex Services. He is Customs Broker and bills of entries have been filled by his employees and goods of various descriptions have been imported from UAE and China by M/s. Shayana Blossoms.

6. The learned Additional Sessions Judge has observed that summons dated 18th August 2025, 4th September 2025, 12th September 2025 were issued to the Applicant by the DRI under Section 108 of the Customs Act, 1962, however, he did not turn up to the DRI office. The learned Additional Sessions Judge has observed that the investigation is going on.

7. The Supreme Court in the case of *Nikita Jagganath Shetty alias Nikita Vishwajeet Jadhav v. State of Maharashtra*¹, has held that the Anticipatory Bail is an exceptional remedy and ought not to be granted in a routine manner. There must exist strong reasons for extending indulgence of this extraordinary remedy to a person

1 2025 SCC OnLine SC 1489

accused of grave offences. It has been further held that while called upon to exercise the said power, the Court concerned has to be very cautious as the grant of interim protection or protection to the accused in serious cases may lead to miscarriage of justice and may hamper the investigation to a great extent as it may sometimes lead to tampering or distraction of the evidence. The said observations of the Supreme Court are squarely applicable to the present case.

8. Accordingly, in the facts and circumstances, as the offence is very serious, no case is made out for grant of Anticipatory Bail. The Anticipatory Bail Application is dismissed.

[MADHAV J. JAMDAR, J.]

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