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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

(4) W.P.(CRL) 3602/2017 & CRL.M.A. 21346/2017

VIKAS SHARMAPetitioner

Through: Mrs.Anjali Jha Manish,
Mr.Priyadarshi Manish,
Ms.Madhuri Malegaonkar and
Mr.Paras Aneja, Adv.

versus

UNION OF INDIA & ORSRespondents

Through:

(5)+ W.P.(CRL) 2193/2018 & CRL.M.A. 28382/2018

SHARAFAT HUSSAINPetitioner

Through: Mrs.Anjali Jha Manish,
Mr.Priyadarshi Manish,
Ms.Madhuri Malegaonkar and
Mr.Paras Aneja, Adv.

versus

UNION OF INDIA & ORSRespondents

Through: Mr.Aditya Singla, SSC for
CBIC with Mr.Sureya Lamba,
Adv.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

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28.01.2026

1. These petitions have been filed by the petitioners under Article 226 of the Constitution of India, *inter alia*, challenging Section 108 of the Customs Act, 1962, as being in conflict with Article 14 of the Constitution of India.

2. During the pendency of these petitions, by a detailed judgment in *Radhika Agarwal v. Union of India & Ors.*, 2025 INSC 272, the



Supreme Court has examined the said issue, holding as under:

*“48. In view of the aforesaid discussion, we reject the challenge to the amendments as well as provisions of the Customs Act. Reliance placed by the petitioners on the decision of this Court in **Om Prakash** (supra) is misconceived as the statutory provisions have undergone amendments to bring them in consonance with the law of the land. Moreover, the provisions themselves provide enough safeguards against arbitrary and wrongful arrests.”*

3. In view of the above, we dispose of the present petitions, reserving liberty with the petitioners to avail of the appropriate remedies as may be available to them, if any of their grievances on facts still remains.

NAVIN CHAWLA, J

RAVINDER DUDEJA, J

JANUARY 28, 2026/sg/Yg