

(1993) 06 AHC CK 0008

Allahabad High Court

Case No: Criminal Misc. Application No. 10487 of 1993

Amir Pajoki

APPELLANT

Vs

State of U.P.

RESPONDENT

Date of Decision: June 24, 1993

Acts Referred:

- Customs Act, 1962 - Section 104, 135

Citation: (1993) 17 ACR 504

Hon'ble Judges: V. Saran, J

Bench: Single Bench

Advocate: Raghuraj Kishore, for the Appellant;

Final Decision: Allowed

Judgement

V. Saran, J.

Heard learned Counsel for the Applicant and learned Standing Counsel. The Applicant had moved bail application No. 32/92 before the Special C.J.M., Allahabad.

2. The Applicant is involved in a case u/s 104/135 Custom Act, District Gorakhpur. On considering the entire circumstances of the case, the learned Special C.J.M., Allahabad granted bail to the Applicant on the condition that the Applicant Amir Pajoki will be released on bail on executing two sureties of Rs. 1,00000/- each and a personal bond in the like amount. One of the sureties was directed in the form of security of documents, and some movable property or in the form of cash and the other surety was to be of an employee or officer of the Iranian Embassy so that surety may be guaranteed by the Iranian Embassy. It was further directed that the Iranian Embassy or the employee or the officer of the embassy shall be bound to produce the Applicant in the court.

3. After hearing learned Counsel for the Applicant I am of the opinion that such conditions amount to refusal of bail and should never be imposed. The order of the learned Special C.J.M., Allahabad is wholly arbitrary and uncalled for.

4. This application is, therefore, allowed and it is directed that the Applicant shall be released on bail on his executing a personal bond of Rs. 15,000/- and two sureties each in the like amount. Since the Petitioner is a foreign national he may deposit Rs. 15,000/- in lieu of personal bond. The cash amount under the personal bond shall be returned to the Applicant within one week from the date of final decision of the trial in the case, unless the same is forfeited.