
(2016) 11 MP CK 0029

MADHYA PRADESH HIGH COURT

Case No: M. Cr. C. No. 10825 of 2016

Manish

APPELLANT

Vs

Directorate of Revenue
Intelligence, Indore

RESPONDENT

Date of Decision: Nov. 10, 2016

Citation: (2017) 346 ELT 541

Hon'ble Judges: Jarat Kumar Jain, J.

Bench: Single Bench

Advocate: S/Shri Ankur Modi, Manish Kaushik and Romil Malpani, Advocates, for the Appellant; S/Shri Jitendra Singh and Prasanna Prasad, Advocate Generals, for the Respondent

Final Decision: Dismissed

Judgement

@JUDGMENTTAG-ORDER

Jarat Kumar Jain, J.—This is first bail application filed by applicant u/s. 439 of the Cr.P.C. The accused/applicant is in custody in connection with Crime No. 85/2016 registered at Directorate of Revenue Intelligence, Regional Unit, Indore for the offence u/ss. 467, 471 of IPC; u/ss. 5, 9B, 9C of Explosives Act; u/ss. 5, 6 of Explosive Substances Act; and u/ss. 132, 135 of Customs Act.

2. As per prosecution case, applicant's company viz. M/s. Prestige Polymers Pvt. Ltd. situated in Special Economic Zone (SEZ), Pithampur, District Dhar, imported the goods i.e. Fire Crackers; dietary food supplements; Emamectin Benzoate; and LED TVs. along with accessories. These goods were imported without valid import licence and under misdeclaration. Hence, the applicant has committed forgery and offence under the Explosive Act and Explosive Substance Act. Applicant has also evaded customs duty to the tune of more than Rs. ten crores.

3. Learned counsel for the applicant submits that the applicant's company is doing the business in SEZ, Pithampur, hence the applicant can import the goods which are

otherwise prohibited. The officials of Directorate of Revenue Intelligence have no authority to enter in SEZ and investigate the matter. There is no reliable evidence that the applicant has committed any offence. He is ready to cooperate with the investigation. He is detained since 5-10-2016 and the investigation will take considerable time to conclude. In such circumstances, applicant be released on bail. In support, he placed reliance on the judgment of the Supreme Court in the case of **Sanjay Chandra v. CBI**.

4. On other hand, learned counsel for the respondent vehemently opposes the prayer and submits that the applicant has tried to evade the customs duty of more than Rs. ten crores. The investigation is in progress. In case, applicant is released on bail, he will temper the evidence. It is also submitted that the Central Government vide Notification dated 5-8-2016 issued under sub-section (1) of Section 21 of SEZ Act, 2005 notified the offences under the Customs Act. Hence, the officials of Directorate of Revenue Intelligence are competent and authorised to investigate the matter. As the applicant has imported explosive items without valid licence, such prohibited and explosive items are against the national interest and security of the nation. In such circumstances, applicant is not entitled for grant of bail. For this purpose, he placed reliance on the judgment of Apex Court in the case of **Nimmagadda Prasad v. CBI - (2013) 7 SCC 466**; and **Gulabrao Baburao Deokar v. State of Maharashtra - (2013) 16 SCC 190**.

5. I have considered the overall facts and circumstances of the case and the material collected by the Investigating Agency against the applicant. There are serious allegations against the applicant and to meet the allegations, there is clinching evidence against the applicant. The investigation is in progress. Hence, I am of the view that it is not in the interest of society to release the applicant on bail. Accordingly, this M.Cr.C. is dismissed.