IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 26TH DAY OF APRIL, 2025

BEFORE

THE HON'BLE MR JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO. 5047 OF 2025
C/W
CRIMINAL PETITION NO. 5432 OF 2025

IN CRL. P. 5047/2025:

BETWEEN:

SMT. HARSHAVARDINI RANYA
AGED 34 YEARS
W/O J.V. HUKKERI, NO.62
NANDWANI MANSION, 5TH CROSS
ROAD, LAVELLE ROAD
BANGALORE - 560 001.

...PETITIONER

(BY SRI SANDESH CHOUTA, SR. ADV., FOR
SRI GIRISH B.S, ADV.)

AND:

SENIOR INTELLIGENCE OFFICER
DIRECTORATE OF REVENUE INTELLIGENCE
NO.8(P), I STAGE, III BLOCK, HBR LAYOUT
KALYANNAGAR POST, BANGALORE 560 043
(REP. BY SR. STANDING COUNSEL)

...RESPONDENT

(BY SRI. MADHU N RAO, ADV.)

THIS CRL.P IS FILED U/S 439 CR.PC (FILED U/S 483 BNSS) PRAYING TO ENLARGE THE PETITIONER ON REGULAR BAIL IN CR.NO.12/2025 (O.R.NO.11/2025) FR.NO.DRI/BZU/S-IV/ENQ-11 (INT-NIL) 2025 ON THE FILE OF THE SPL.COURT FOR ECONOMIC OFFENCES AT BENGALURU FOR THE OFFENCE P/U/S 135(1)(a) AND 135(1)(b) OF THE CUSTOMS ACT 1962 P/U/S 135 (1)(a)(i)(A)

SEC.135(1)(a)(i)(B) SEC.135(1)(b)(i)(A) SEC.135(1)(b)(i)(B) OF THE CUSTOMS ACT SEC.104(4)(a), SEC.104(4)(b) SEC.104(6)(a) AND SEC.104(6)(c) OF THE CUSTOMS ACT.

IN CRL. P. 5432/2025:

BETWEEN:

SRI TARUN KONDURU RAJU
S/O NARASIMHA RAJU
AGED ABOUT 36 YEARS
R/AT. PLOT NO.239, ROAD NO.5
SRI SAI SAHASRA, KAKATHIYA HILL
HYDERABAD.

...PETITIONER

(BY SRI BIPIN HEGDE, ADV.)

AND:

THE SENIOR INTELLIGENCE OFFICER
DIRECTORATE OF REVENUE INTELLIGENCE
BENGALURU ZONAL UNIT, NO.8(P)2
1ST STAGE, 3RD BLOCK, HBR LAYOUT
OPP TO BDA COMPLEX, KALYANANAGARA
POST, BENGALURU - 560 043
REP. BY STANDING COUNSEL.

...RESPONDENT

(BY SRI MADHU N RAO, ADV.)

THIS CRL.P IS FILED U/S 439 CR.PC (FILED U/S 483 BNSS) PRAYING TO ENLARGE HIM ON BAIL IN THE ABOVE CRIME NO.12/2025 FOR THE OFFENCE P/U/S 135(1)(i) OF THE INDIAN CUSTOM ACT, 1962, REGISTERED BY THE RESPONDENT, PENDING ON THE FILE OF SPECIAL COURT FOR ECONOMIC OFFENCES, BENGALURU.

THESE PETITIONS, HAVING BEEN RESEREVED FOR ORDERS ON 22.04.2025 COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING:

CORAM: HON'BLE MR JUSTICE S VISHWAJITH SHETTY

CAV ORDER

(PER: HON'BLE MR JUSTICE S VISHWAJITH SHETTY)

1. Accused nos.1 & 2 in Crime No.12/2025 (O.R.No.11/2025) registered by the Senior Intelligence Officer, Directorate of Revenue Intelligence, Bengaluru, pending before the Special Court for Economic Offences, Bengaluru, for the offences under Sections 135(1)(a) and 135(1)(b) of the Customs Act, 1962 (for short, 'the Act') punishable under Sections 135(1)(a)(i)(A), 135(1)(a)(i)(B), 135(1)(b)(i)(A), 135(1)(b)(i)(B) of the Act, are before this Court in these two petitions filed under Section 483 of the BNSS, 2023, seeking regular bail.

2. Heard the learned Counsel for the parties.

3. It is the case of the prosecution that on the basis of the credible information received, on 03.03.2025 at about 18.20 hours accused no.1 who had arrived at Terminal-2 of Kempegowda International Airport, Bengaluru, from Dubai in Emirates Flight No.EK566, was intercepted after she had

entered the green channel and the officials of Directorate of Revenue Intelligence (DRI) who had a credible information that accused no.1 was illegally carrying gold, requested her to cooperate for searching her hand baggage. In the hand baggage of accused no.1, no incriminating material was found. Thereafter, the person of accused no.1 was searched by a gazetted lady customs officer and from the person of accused no.1 gold bars totally weighing 14,213.05 grams valued at about Rs.12,56,43,362/- was recovered, which accused no.1 had concealed inside her dress by sticking the gold bars to her body parts with help of medical adhesive bandage. The seized contraband articles were subjected to panchanama, and thereafter, accused no.1 was arrested on 04.03.2025. Accused no.2 was arrested on 09.03.2025 and subsequently accused nos.1 & 2 were remanded to judicial custody. Bail application filed by accused nos.1 & 2 before the Court of judicial Magistrate in Crime No.12/2025 was rejected. Therefore, they had filed Crl. Misc. No.2348/2025 and Crl. Misc. No.2598/2025 before the jurisdictional Sessions Court, which were rejected on 27.03.2025 & 07.04.2025, respectively. It is under these circumstances, accused nos.1 & 2 are before this Court.

4. Learned Senior Counsel appearing for accused no.1 submits that the alleged offences are compoundable and triable by the Court of Magistrate and the maximum punishment for the said offences is imprisonment for seven years. Accused no.1 is a cine star and she has got deep roots in the society, and therefore, there cannot be any apprehension that she may flee away from justice. She has cooperated with the Investigation Officer in the present case. There is no compliance of Section 50A of Cr.PC since grounds of arrest was not served on the relatives and friends of the accused at the time of her arrest. In support of this contention of his, he has placed reliance on the judgments of the Hon'ble Supreme Court in the case of **VIHAAN KUMAR VS STATE OF HARYANA & ANOTHER - 2025 SCC OnLine SC 269** and **RADHIKA AGARWAL VS UNION OF INDIA & OTHERS - 2025 SCC OnLine SC 449**. He further submits that there is no compliance of the requirement of Section 102 of the Act in the present case, since the Investigation Officer herself had searched the person of accused no.1. In support of this argument, he has placed reliance on the judgment of the Hon'ble Supreme Court in the case of **STATE OF RAJASTHAN VS PARMANAND & ANOTHER -**

(2014)5 SCC 345, and the judgment of the High Court of Bombay in the case of **UNION OF INDIA VS IQBAL KASAM MEMON & OTHERS - 2020 SCC OnLine Bom 66**. He submits that the signatures of accused no.1 and of the independent panch witnesses, on the notice issued under Section 102 of the Act was made on 04.03.2025. Therefore, it is apparent that there is no compliance of Section 102 of the Act in the present case, and therefore, the seizure itself becomes bad. He also submits that accused no.1 is a lady, and therefore, she is entitled for bail having regard to the proviso to Section 480(1) of BNSS, 2023. Accordingly, he prays to allow the petition.

5. Learned Counsel appearing for accused no.2 submits that the only allegation against accused no.2 is about handing over gold bars to accused no.1 at Dubai and the same cannot be considered as an offence. He has reiterated the arguments addressed by the learned Senior Counsel appearing on behalf of accused no.1 and submits that there is no compliance of Section 50A of Cr.PC in the present case even as against accused no.2. He submits that the statement made under Section 108 of the Act is admissible only if corroborative material is seized and not otherwise, and in support of this

argument, he has placed reliance on the judgment of the High Court of Bombay in the case of **UNION OF INDIA VS KISAN RATAN SINGH - 2020 SCC OnLine BOM 39**. Accordingly, he prays to allow the petition.

6. Per contra, learned Counsel appearing for the prosecution submits that accused no.1 was found in possession of huge quantity of gold which she had illegally brought into India from Dubai. Accused nos.1 & 2 had travelled for about 34 times to Dubai and though they had declared at Dubai customs that they were travelling to Geneva or Bangkok, on all the 34 occasions, they had travelled to India and not the destination as declared by them in Dubai customs. Accused no.2 is an American citizen who is entitled to travel to Geneva and Bangkok without Visa and after purchasing gold in Dubai and having made a declaration at Dubai customs that he was travelling to Geneva or Bangkok, after crossing Dubai customs he was handing over the gold to accused no.1, who used to conceal the same and thereafter accused nos.1 & 2 used to travel together to India and hand over the gold to accused no.3 who is now arrested on 26.03.2025. He submits that the Investigation Officer in the present case is one Mr. Nageswara

Rao Kadiri and search of the person of accused no.1 was done by a lady gazetted customs officer, and therefore, there is compliance of the requirement of Section 102 of the Act in the present case. He submits that search of the person of accused no.1 was commenced on the late night of 03.03.2025 and the entire procedure was completed on the early hours of 04.03.2025. Therefore, signatures are made on the notice issued under Section 102 of the Act on 03.03.2025 as well as on 04.03.2025. Accused no.3 is a person with criminal antecedents and accused nos.1 & 2 appears to have been working for him. He submits that the statement of one Basavaraj who is a Police Constable and the statement of one Prakash.B., who is the Driver of the Government Vehicle belonging to Karnataka State Police Housing and Infrastructure Development Corporation, which was provided to accused no.1 would go to show that she is an influential person. Therefore, involvement of other persons in the crime committed cannot be ruled out. Investigation of the case is under progress. The chances of accused nos.1 & 2 fleeing away from justice also cannot be ruled out. Accordingly, he prays to dismiss the petition.

7. The accused in the present case are alleged to have committed the offences under Sections 135(1)(a) and 135(1)(b) of the Act, which are punishable under Sections 135(1)(a)(i)(A), 135(1)(a)(i)(B), 135(1)(b)(i)(A), 135(1)(b)(i)(B) of the Act. Section 135 of the Act reads as under:

"135. Evasion of duty or prohibitions.

(1) Without prejudice to any action that may be taken under this Act, if any person-

(a) is in relation to any goods in any way knowingly concerned in misdeclaration of value or in any fraudulent evasion or attempt at evasion of any duty chargeable thereon or of any prohibition for the time being imposed under this Act or any other law for the time being in force with respect to such goods; or

(b) acquires possession of or is in any way concerned in carrying, removing, depositing, harbouring, keeping, concealing, selling or purchasing or in any other manner dealing with any goods which he knows or has reason to believe are liable to confiscation under section 111 or section 113, as the case may be; or

(c) attempts to export any goods which he knows or has reason to believe are liable to confiscation under section 113; or

(d) fraudulently avails of or attempts to avail of drawback or any exemption from duty provided under this Act in connection with export of goods; or

(e) Obtains an instrument from any authority by fraud, collusion, wilful misstatement or suppression of facts and such instruments has been utilised by such person or any other person,

he shall be punishable, -

(i) in the case of an offence relating to,-

(A) any goods the market price of which exceeds one crore of rupees; or

(B) the evasion or attempted evasion of duty exceeding fifty lakh of rupees; or

(C) such categories of prohibited goods as the Central Government may, by notification in the Official Gazette, specify; or

(D) fraudulently availing of or attempting to avail of drawback or any exemption from duty referred to in clause (d), if the amount of drawback or exemption from duty exceeds fifty lakh of rupees; or

(E) obtaining an instrument from any authority by fraud, collusion, wilful misstatement or suppression of facts and such instruments has been utilised by any person, where the duty

relatable to utilisation of the instrument exceeds fifty lakh rupees,

with imprisonment for a term which may extend to seven years and with fine:

PROVIDED that in the absence of special and adequate reasons to the contrary to be recorded in the judgment of the Court, such imprisonment shall not be for less than one year;

(ii) in any other case, with imprisonment for a term which may extend to three years, or with fine, or with both.

(2) If any person convicted of an offence under this section or under sub-section (1) of section 136 is again convicted of an offence under this section, then, he shall be punishable for the second and for every subsequent offence with imprisonment for a term which may extend to seven years and with fine:

PROVIDED that in the absence of special and adequate reasons to the contrary to be recorded in the judgment of the Court such imprisonment shall not be for less than [one year]

(3) For the purposes of sub-sections (1) and (2), the following shall not be considered as special and adequate reasons for awarding a sentence of imprisonment for a term of less than one year, namely:-

(i) the fact that the accused has been convicted for the first time for an offence under this Act;

(ii) the fact that in any proceeding under this Act, other than a prosecution, the accused has been ordered to pay a penalty or the goods which are the subject matter of such proceedings have been ordered to be confiscated or any other action has been taken against him for the same act which constitutes the offence;

(iii) the fact that the accused was not the principal offender and was acting merely as a carrier of goods or otherwise was a secondary party to the commission of the offence;

(iv) the age of the accused.

Explanation: For the purposes of this section, the expression "Instrument" shall have the same meaning as assigned to it in the Explanation 1 to 28AAA."

8. From the reading of the aforesaid provision of law, it is very clear that if a person acquires possession or is in any way concerned in carrying, concealing or in any other manner dealing with any goods which he knows or has reason to believe are liable to confiscation under Section 111 or Section 113, as the case may be and the market price of such goods

exceeds Rs.One Crore or the evasion or attempted evasion of duty is exceeding Rs.50 lakhs, he shall be punishable with imprisonment for a term which may extend to seven years or with fine.

9. In the case on hand, the allegation against the accused is that the money for purchase of gold was transferred by accused no.3 by Hawala to Dubai and the accused nos.1 & 2 who used to travel to Dubai were purchasing gold at Dubai with the said money sent by accused no.3, and thereafter, accused nos.1 & 2 were submitting declarations in Dubai Customs stating they were travelling to Geneva or Bangkok, and on the other hand, they used to travel to India carrying the gold purcahsed by them, by concealing the same.

10. According to the prosecution, accused nos.1 & 2 had travelled to Dubai for about 34 times and on all the said 34 occasions, they had declared in Dubai customs that they were either travelling to Geneva or Bangkok, but on the other hand, they had travelled to India. According to the prosecution, from Dubai accused no.1 used to travel to Bengaluru and accused no.2 used to travel to Hyderabad. During one such travel on

03.03.2025, accused no.1 was intercepted at Kempegowda International Airport, Bengaluru, on the basis of the credible information received and huge quantity of gold bars totally weighing 14,213.05 grams valued at about Rs.12,56,43,362/- was recovered from her person. Therefore, at this stage, it cannot be said that absolutely there is no material as against the accused persons to prosecute them for the alleged offences.

11. Learned Senior Counsel appearing for accused no.1 has raised a contention that there is no compliance of Section 102 of the Act in the present case. Section 102 of the Act reads as under:

> ***"102. Persons to be searched may require to be taken before Gazetted Officer of customs or magistrate.***
>
> *(1) When any officer of customs is about to search any person under the provisions of section 100 or section 101, the officer of customs shall, if such person so requires, take him without unnecessary delay to the nearest Gazetted Officer of customs or magistrate.*
>
> *(2) If such requisition is made, the officer of customs may detain the person making it until he can*

bring him before the Gazetted Officer of customs or the magistrate.

(3) The Gazetted Officer of customs or the magistrate before whom any such person is brought shall, if he sees no reasonable ground for search, forthwith discharge the person but otherwise shall direct that search be made.

(4) Before making a search under the provisions of section 100 or section 101, the officer of customs shall call upon two or more persons to attend and witness the search and may issue an order in writing to them or any of them so to do; and the search shall be made in the presence of such persons and a list of all things seized in the course of such search shall be prepared by such officer or other person and signed by such witnesses.

(5) No female shall be searched by any one excepting a female."

12. The material on record would go to show that notice under Section 102 of the Act was issued to accused no.1 on 03.03.2025 itself, and on receipt of such notice, she had given her consent in writing on 03.03.2025 and in the said consent, her signature is also affixed on 03.03.2025. The said consent letter dated 03.03.2025 reads as under:

"Date:03.03.2025

Sir/Madam,

I hereby render my consent for my personal bodily search and baggage search by a lady Gazetted officer of DRI, Bengaluru present at Customs Arrival Hall of KIA, Bengaluru under the provisions of Customs Act, 1962.

Sd/- 03.03.25.
Ranya Harshavardini
Passport No. 28195849"

13. This goes to show that on 03.03.2025 itself, notice under Section 102 of the Act was served on accused no.1. Though signature of accused no.1 and the independent panch witnesses on the notice under Section 102 of the Act issued to accused no.1 are said to have been affixed on 04.03.2025, learned Counsel for the prosecution has explained the same by stating that search was commenced on the late night of 03.03.2025 and the entire process was completed at the early hours of 04.03.2025 and it is under these circumstances, the signatures of the witnesses are obtained on 04.03.2025. Since the consent of accused no.1 is given by her on 03.03.2025, it is very clear that notice in compliance of Section 102 of the Act was given to her on 03.03.2025 itself and in the said notice which is

available on record, it is clearly mentioned that accused no.1 was being informed about her legal right to be searched in the presence of gazetted officer or the Magistrate. Unlike the requirement of Section 50 of NDPS Act, so far as the Customs Act is concerned, Section 102 of the Act specifically provides that the accused shall have a right to be searched either before the gazetted officer of customs or a Magistrate.

14. In the present case, search of the person of accused no.1 was conducted by Neha Kumari who is a gazetted customs officer and she is not the Investigation Officer of the case, and therefore, I do not find any merit in the contention raised by the learned Senior Counsel for accused no.1 that there is no compliance of the requirement of Section 102 of the Act in the present case, and therefore, the seizure becomes bad.

15. The judgment in Paramanada's case supra was rendered by the Hon'ble Supreme Court in a case which was registered for the offences punishable under the provisions of the NDPS Act, wherein Section 50 of the NDPS Act provides a right to the accused to be searched before the nearest Magistrate or any gazetted officer of any of the Department mentioned in Section

42 of the NDPS Act. Whereas, under Section 102 of the Act, the accused has a right to be searched before the gazetted officer of the customs or the Magistrate.

16. In Iqbal Kasam Memon's case supra, it was found that there was no material to show that the accused were appraised of their right to be personally searched in the presence of a gazetted officer of customs or before a Magistrate, and it under these circumstances, search of the person of the accused was held to be illegal.

17. In the case on hand, notice under Section 102 of the Act has been issued to accused no.1 appraising her right to be searched before a gazetted customs officer or Magistrate, and on receipt of the same, she has given her consent to search her person and baggage by a lady gazetted customs officer who was present in the Airport. Therefore, the judgments in Paramananda's case supra and Iqbal Kasam Memon's case supra, cannot be made applicable to the case on hand.

18. Learned Counsel appearing for accused nos.1 & 2 have also raised a contention that there is no compliance of Section

50A of Cr.PC in the present case and the grounds of arrest were not served on the relatives and friends of accused nos.1 & 2.

19. Learned Counsel for the prosecution has placed on record the arrest memo of accused nos.1 & 2 and perusal of the said memo would go to show that grounds of arrest has been mentioned in detail in the said memo and the said memo is also signed by accused nos.1 & 2 on the date of their arrest. In the arrest memo of accused no.1, it is mentioned that at her request, her husband Jatin Vijaykumar Hukkeri has been informed about her arrest along with reason to believe and grounds of arrest by calling him on his mobile phone. Similarly, at the request of accused no.2, his brother Varun Konduru Raju was informed about his arrest along with reasons to believe and grounds of arrest by calling him on his mobile phone, and the arrest memo of accused no.1 is also countersigned by her husband Jatin Vijaykumar Hukkeri who has acknowledged receipt of copy of the arrest memo at the time of her arrest.

20. It is necessary to note here that Section 50 of Cr.PC provides for informing the person arrested about the grounds of

arrest and his right to bail, and Section 50A of Cr.PC provides for obligation of person making arrest to inform about the arrest etc., to a nominated person of the arrested regarding such arrest and place where the arrested person is being held to any of the friends, relatives or such other persons as may be disclosed or nominated by the arrested person for the purpose of giving such information. In Vihaan Kumar's case supra, the Hon'ble Supreme Court has held that for the purpose of meaningful compliance of the requirements of Section 50 of Cr.PC, the grounds of arrest is also required to be communicated to the friends, relatives or such other person as may be disclosed or nominated by the arrested accused for the purpose of giving information as provided under section 50A of Cr.PC, so as to ensure that the friends, relatives or persons nominated by the arrested person would be able to take immediate and prompt actions to secure the release of the arrested person as permissible under law.

21. In the arrest memo served on accused nos.1 & 2, the grounds of arrest has been mentioned in detail, and therefore, there is compliance of Section 50 of Cr.PC in terms of the judgment of the Hon'ble Supreme Court in the case of **PANKAJ**

BANSAL VS UNION OF INDIA & OTHERS - (2024)7 SCC 576. In the arrest memo of accused nos.1 & 2, it is stated that communication is made to the nominated person of the arrested accused person and it is also stated in the arrest memo that grounds of arrest is also communicated to the persons nominated by the arrested person, and therefore, I am of the considered opinion that there is prima facie compliance of the requirement of Section 50A of Cr.PC in the present case, which is the requirement in the judgment of the Hon'ble Supreme Court in Vihaan Kumar's case supra, and Radhika Agarwal's case supra.

22. A contention has been raised on behalf of accused nos.1 & 2 that the statement made by them under Section 108 of the Act is not admissible since the prosecution has failed to collect any corroborative material. The judgment in Kisan Ratan Singh's case supra, on which reliance is placed on behalf of the accused is rendered in appeal against the judgment and order of acquittal passed against the accused persons. In the case on hand, investigation is still under progress. The statement made under Section 108 of the Act at the stage of considering the bail application is an admissible piece of evidence. In addition

to the same, there is seizure of gold bars of huge quantity from accused no.1 and during the course of investigation, the declaration submitted by accused nos.1 & 2 before Dubai customs, their travel particulars, etc., are collected, and therefore, at this stage, it cannot be said that there is absolutely no corroborative material collected by the Investigation Officer. Therefore, this contention urged on behalf of accused nos.1 & 2 is liable to be rejected.

23. The material on record would go to show that during the course of investigation, the Investigation Officer has recorded the statement of Basavaraj who is a Police Constable who was escorting accused no.1 from the Airport and he was present near the Green Channel at Terminal-2 of KIAL when accused no.1 was intercepted. This witness has stated that he was asked to escort accused no.1 by his superior officer Ramachandra Rao who is said to be the Director General of Police. The statement of Prakash.B. - Driver of Government vehicle which was used by accused no.1 was also recorded by the Investigation Officer which would prima facie go to show that accused no.1 was facilitated with escort and a Government vehicle. The material on record would further go to show that

accused no.1 is the daughter of Hegdesh Kabbinahalli Siddegowda and during the course of arguments, learned Senior Counsel appearing for accused no.1 also has fairly submitted that even in her passport, her father's name is shown as Hegdesh Kabbinahalli Siddegowda. Basavaraj - Police Constable has stated that he was asked by his Senior Officer Ramachandra Rao (DGP) to assist his family members and relatives by extending protocol during their arrival and departure and it is in this manner he was providing protocol assistance to accused no.1 since past few years. According to the prosecution, accused no.1 claimed herself to be the step daughter of Ramachandra Rao (DGP). Learned Senior Counsel on a pointed question from the court as to how and why accused no.1 was provided protocol and Government vehicle, failed to answer the same. Therefore, as rightly contended by the learned Counsel for the prosecution, involvement of others in the present case cannot be completely ruled out.

24. Accused no.3 who is a person with criminal antecedents is said to be the person who was sending money for the purpose of purchasing gold through Hawala and it is the case of the prosecution that the gold which was smuggled to India by

accused nos.1 & 2 was handed over to accused no.3 at Bengaluru. Accused no.3 who is a person with criminal antecedents has been arrested in the present case only on 26.03.2025. The records made available to this Court by the learned Counsel for the respondent would go to show that investigation of the case is still under progress. Accused no.1 is said to be a cine star, who is provided protocol and Government vehicle which would prima facie go to show her high connections. Accused no.2 is said to be a citizen of USA. Therefore, chances of accused nos.1 & 2 fleeing away from justice also cannot be completely ruled out at this stage.

25. During the course of arguments, referring to the material on record, it is specifically contended by the learned Counsel for the respondent that accused nos.1 & 2 have not cooperated properly for the purpose of investigation and effort was made by accused no.2 to flee away from the country and he was arrested in the airport. Considering the manner in which accused no.1 has managed to smuggle huge quantity of gold to India, for which she has also made use of the Government facilities provided to her, and since investigation of the case is

still under progress, the benefit of the proviso to Section 480 of BNSS, 2023, cannot be extended to her at this stage.

26. The consideration of granting bail for economic offences compared to other offences needs to be different since economic offences has a serious ramification on the economy of the nation. The Hon'ble Supreme Court in the case of **STATE OF GUJARAT VS MOHANLAL JITAMALJI PORWAL & ANOTHER - (1987)2 SC 364**, has held as under:

> *"5. ……… The entire community is aggrieved if the economic offenders who ruin the economy of the State are not brought to book. A murder may be committed in the heat of moment upon passions being aroused. An economic offence is committed with cool calculation and deliberate design with an eye on personal profit regardless of the consequence to the community. A disregard for the interest of the community can be manifested only at the cost of forfeiting the trust and faith of the community in the system to administer justice in an even-handed manner without fear of criticism from the quarters which view white collar crimes with a permissive eye unmindful of the damage done to the national economy and national interest. ……"*

27. Unlike conventional crimes which affect individuals or specific groups, economic offences have potentiality to threaten the stability of national economy. Economic offences are grave

and they always pose a threat to the health of the economy of the country. The modus operandi of the accused, the number of their visits to Dubai and filing false declaration in Dubai customs on all such visits by accused to Dubai, raises a serious doubt that in all the earlier visits also chances of gold smuggling cannot be ruled out.

28. In the case of **P.CHIDAMBARAM VS DIRECTORATE OF ENFORCEMENT - (2019)9 SCC 24**, the Hon'ble Supreme Court noted that given the serious nature of economic offences, they require strict scrutiny when granting bail. In the case of **SATENDAR KUMAR ANTIL VS CENTRAL BUREAU OF INVESTIGATION & ANOTHER - (2022)10 SCC 51**, the Hon'ble Supreme Court has observed that each case must be assessed on its individual merits, with the determination of bail being guided by the specific gravity and circumstances of the offence rather than a blanket approached tied to the nature of the offence as an economic offence. Therefore, merely for the reason that the alleged offences are compoundable and punishable with imprisonment upto seven years, bail cannot be granted as a thumb rule.

29. The Hon'ble Supreme Court in the case of **SERIOUS FRAUD INVESTIGATION OFFICE VS ADITYA SARDA - 2025 INSC 477**, has observed in paragraph 23 as under:

> *"23. In view of the above settled legal position, it is no more res integra that economic offences constitute a class apart, as they have deep rooted conspiracies involving huge loss of public funds, and therefore such offences need to be viewed seriously. They are considered as grave and serious offences affecting the economy of the country as a whole and thereby posing serious threats to the financial health of the country."*

30. In the case of **Y.S.JAGAN MOHAN REDDY VS CENTRAL BUREAU OF INVESTIGATION - (2013)7 SCC 439**, in paragraph 34, the Hon'ble Supreme Court has observed as under:

> ***"34.*** *Economic offences constitute a class apart and need to be visited with a different approach in the matter of bail. The economic offences having deep-rooted conspiracies and involving huge loss of public funds need to be viewed seriously and considered as grave offences affecting the economy of the country as a whole and thereby posing serious threat to the financial health of the country."*

31. Under the circumstances, I am of the opinion that at this stage, the prayer made by the petitioners for grant of bail cannot be entertained. Accordingly, petitions are dismissed.

Sd/-
(S VISHWAJITH SHETTY)
JUDGE

KK