IN THE COURT OF ADDITIONAL CHIEF JUDICIAL MAGISTRATE,
19TH COURT ESPLANADE, MUMBAI

R. A. NO. 615 OF 2026

Zazkiya Rosaindah … Applicant/Accused

V/s.

Union of India Through
DRI, Mumbai. … Respondent

ORDER BELOW BAIL APPLICATION

1] This application is filed by applicant/accused for grant of bail as per Section 480 of BNSS, 2023. The applicant/accused Zazkiya Rosaindah has prayed for releasing her on bail in connection with File No. DRI/MZU/B/INT-86/2026 registered with DRI punishable under Section 135 (1) (i) of the Customs Act, 1962.

2] It is stated in the application that, the applicant/accused was arrested on 04.07.2026 and was produced before the Court on the same day for the alleged offence under section 135 of the Customs Act, 1962 for smuggling of gold worth Rs. 5,99,20,000/-. Thereafter the applicant was remanded to judicial custody. It is further stated that, the applicant/accused arrived from Dubai by flight no. EK508 and then she was intercepted after crossing green channel. It is alleged that, during her personal search, 4 gold bars valued at Rs. 5,99,20,000/- were recovered from the pocket of jeans of the applicant.

3] It is further stated that, the applicant is innocent and has been falsely implicated in the present case. The applicant has already declared the said gold before the customs authorities at Dubai, United Arab Emirates, prior to departure. The applicant/accused is a foreign lady passenger and was not aware of the specific procedural requirement that a fresh declaration was also required before the Indian Customs. The entire alleged recovery has already been effected and the gold is in the custody of the investigating agency. The applicant/accused is in judicial custody since 04.07.2026. She is ready to abide any terms and conditions of the bail. The applicant prayed for allowing the application.

4] The respondent i.e. Intelligence Officer, DRI, Mumbai has filed his reply dated 30.07.2026 and resisted the application. It is stated that, the applicant/accused arrived from Dubai by flight no. EK508 and she was intercepted after she crossed green channel. It is stated that, during her personal search 4 gold bars valued at Rs. 5,99,20,000/- were recovered from the jeans pocket of the applicant. It is admitted by the applicant that, the said gold has been smuggled by her into India without declaring the same to the customs at CSMIA, Mumbai. The said 24 kt gold alongwith the plastic covers and the purity certificates found in the said covers alongwith the said gold bars were seized under the provisions of section 110 of the Customs Act, 1962 r/w Section 118 and 119 of the Customs Act, 1962.

5] It is stated that, the investigation is at a very important stage. There is every likelihood that she will tamper with evidence and influence the witnesses. The investigation against other persons is going on. It is stated that, the applicant has not revealed correct details regarding the various key persons of the supply chain of smuggling of gold into India during interrogation. Some syndicate members are still at large.

6] Perused application and say. Heard Ld. counsel Shri. Ravi Hirani for applicant/accused and Ld. Special PP Shri. R. K. Pathak for AIU at length. Perused all the record of the case. Perused remand paper.

7] It is argued by Ld. defence counsel that, the applicant has already declared said gold before the customs authorities at Dubai, United Arab Emirates, prior to departure. He filed the printouts of the declaration form of UAE, Customs Office. It shows that, the gold bars of net 4 kg are declared by the applicant. He filed the passengers declaration acknowledgment. It shows that, declaration type is export from local to RAW alongwith the request date i.e. 02.07.2026 and code of exporter. Custom declaration view of first version with custom bill is also filed by applicant on record. He further argued that, there is invoice number by which cash payment has been done by the applicant. Her name is shown in invoice number showing the cargo ownership. All the documents of ownership of gold are lying with the applicant as argued by Ld. counsel. Perused the sale invoice fix. It bears the seal of authorise signatory of United Arab Emirates by which total payment of the gross weight 995 kg bars were mentioned. The name of applicant is also mentioned. She has filed the flight information alongwith her passport visa.

8] It is further argued by Ld. defence counsel that, the applicant/accused is a foreign lady passenger and was not aware of the specific procedural requirement that a fresh declaration was also required before the Indian Customs. The applicant is in judicial custody since 04.07.2026. No purpose would be served by keeping the accused behind bar.

9] It is argued by Ld. Special PP that, the applicant/accused was found in possession of huge gold valued at Rs. 5,99,20,000/-. The economic offences constitute a class apart and need to be visited with different approach in the matter of bail.

10] Here, from remand papers, it shows that, the applicant/accused was found in possession of 24 Kt gold bars. But as per the sale invoice fixed document her name is shown for the possession of 995 kg gold bars. She has declared the said gold at UAE, Customs Office. Accordingly, the Dubai office gave her acknowledgment receipt about the declaration. Sufficient opportunity is granted to the investigation agency. No doubt the economic offence constitute a class apart and need to be visited with different approach in the matter of bail as it involves huge loss of public funds and affecting the economy of the country. It is necessary for this Court that, she is going to claim the said gold in future. There is tampering of this gold because it is lying with the office. So also all the relevant documents, purity certificate, passport details, travel details are already in possession of the department. Hence at present this Court has to consider about her declaration before Dubai Customs Authority, though she has not done it before Customs office of India. This Court find substance in the argument that the application cannot be rejected on a ground that the accused is resident of foreign country, as held by Hon'ble Bombay High Court in the Case of Samson Osobai V/s The State of Maharashtra & another in Criminal Bail Application No. 3287 of 2006. Therefore her application can be allowed on imposing terms and conditions which will suffice the purpose of investigation. Hence, proceed to pass following order:-

ORDER

i. The Bail Application is allowed.

ii. Applicant/accused **Zazkiya Rosaindah** be released on bail on her executing P. R. Bond of Rs. 2,00,000/- (Rs. Two Lac Only) with one or more solvent surety/sureties in the like amount.

iii. Cash bail of Rs. 2,00,000/- (Rs. Two Lac Only) is allowed, if she is not having solvent surety, upto 2 months.

iv. She shall not influence and tamper with the prosecution witnesses and evidence. She shall co-operate for further investigation of the case.

v. She is directed to remain present as and when called by respondent in connection with investigation of this offence under written intimation, till further investigation is completed or till further order.

vi. The accused shall surrender her passport to the respondent for the period of six months from the date of her arrest. The department to return passport to her after said period, with due acknowledgment without any reference to the court.

vii. The respondent to issue copy of passport to her, while surrender of original passport having endorsement of "surrender of passport in the case"

viii. She shall take prior permission of the court for travelling abroad.

ix. She shall furnish her residential address with proof, E-mail and telephone/mobile number to the Court and to the Department. She shall intimate about any changes in the said addresses, telephone/mobile number in writing to the Court and concern Department with pursis.

x. She shall furnish address and mobile number of two of her nearest relatives with their consent to the Court and department alongwith their address proof for contacting them if she failed to appear during the period of investigation before respondent and during trial of the case.

xi. The Affidavit, as directed by Hon'ble Supreme Court in the case of **Zeba Khan V/s State of Uttar Pradesh in Criminal Appeal No. 825/2026 (Arising out of SLP Criminal No. 12669 of 2025)** will be part and parcel of this bail order.

xii. The bail application bearing no. 1087/BA/2026 stands disposed off, being allowed.

ANURADHA ATMARAM PANDULE

Digitally signed by ANURADHA ATMARAM PANDULE
Date: 2026.08.13 18:43:45 +0530

(Smt. Anuradha A. Pandule)
Additional Chief Judicial Magistrate,
19th Court, Esplanade, Mumbai.

Date :13.08.2026