

MHRG170003912026



IN THE COURT OF ADDITIONAL SESSIONS JUDGE PANVEL-
RAIGAD, AT : PANVEL
ORDER BELOW EXHIBIT NO. 1
IN CRIMINAL BAIL APPLICATION NO.189/2026
(DATED 12/03/2026)

The applicant Vinay Mahesh Bhadra has filed present application for regular bail under section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 in F. No.SG/MISC-167/2025-26/CIU/JNCH.

2. Facts giving rise to the filing of present application are that, based on specific intelligence that the Walnuts exported from Jebel Ali and other ports of UAE were mis-declared with country of origin being declared as Afganistan to obtain SAFTA benefit notification having 0% basic custom duty. It is alleged that prima facie evidence of willful mis-declaration in country of origin to avail wrongful SAFTA benefits was gathered and searches were conducted on four locations in Mumbai on 11/12/02/2026. Further it is alleged that during search at the office premises of M/s. Orange Box Line (India) addressed at

309, Ruby Monarch Arcade, Saki Naka, Mumbai, 400 072 from 11/02/2026 to 12/02/2026 under panchanama dated 12/02/2026, including forged bills of lading purportedly showing transit from Bandar Abbas Port (Iran) to Jebel Ali Port (UAE), conclusively established that there was no actual movement of goods from Iran to UAE. In the absence of any lawful transit or corroborative shipping documents, it is further established that, the goods cannot be treated as originating from Afghanistan.

3. It is alleged that the applicant has allegedly arranged and executed forged transit bills of lading from Bandar Abbas (Iran) to Jebel Ali (UAE) to fastly claim SAFTA benefits. Based on direct documentary evidence the department has reason to believe that applicant has committed offences under The Customs Act, 1962 p/u/sec. 111(n),(o) and (g) read with sections 114 (A), 132 and 135. it is alleged that the applicant acknowledged having full knowledge that the imported goods were not of the declared origin and that the forged documents were used to misrepresent the true origin. Therefore, the applicant came to be arrested on 21/02/2026.

4. Heard Ld. Adv. Shri Y.J. Gangan for the applicant and Ld. Adv. Shri Aatif Shaikh for the opponent department. Perused application and say filed by opponent department at Exh.4.

5. Shri. Gangan argued that the applicant is innocent. He has been falsely implicated in the crime in question. Shri Gangan further argued that, the applicant is neither importer, beneficiary nor owner of goods and has no financial gain alleged against him. He is nowhere responsible for import transport management. Shri Gangan further argued that even if the allegations leveled against applicant are taken on face value, at the most the case of applicant would fall u/sec.132 of The Customs Act which is bailable. The applicant introduced supplier to importer. Shri Gangan further argued that the assessment officer has never created any issue with benefit with the importer who was seeking SAFTA benefit of the goods imported by the present applicants. Importer never faced any issue at any stage by the assessment officer at the time of clearance. Suddenly, after the goods which have been duly cleared in the past even though after going through the entire process of clearance. It is shocking that at this stage, the department on a flimsy ground and on mere speculation is harassing the present applicant and dragging into a case which on a factual ground does not even happen to be a case at all. Shri Gangan further argued that the applicant's importer's goods were hassle free by obtaining the benefit as per the documents given by the customer/importer. Shri Gangan further argued that the crime in question is revolving around document based evidence. The applicant has no antecedents. Since 21/02/2026 the applicant is languishing in the jail. Considering the aforesaid circumstances his further detention in jail is not required. He is ready to abide by the

terms and conditions which may be imposed by the Court. Hence, Shri Ganga prayed that the applicant be enlarged on bail.

6. Per contra, Shri Shaikh argued that the applicant has played a central operational role in introducing the overseas suppliers, co-ordinating documentation, filing bills of entry under improperly used CB license, and facilitating clearance without due verification of origin and compliance with SAFTA rule of origin. While M/s Avani Enterprises acted as the beneficiary importer who knowingly sourced goods from UAE suppliers through applicant and claimed Afghan origin benefits without direct procurement from Afghanistan. Shri Shaikh further argued that applicant admitted that overseas suppliers directly E-mailed import documents, including invoices and bills of lading, to M/s. Pratha Shipping Services and that bills of entry were filed by him and his partners using the CB license of M/s. Access World Wide Cargo based solely on documents provided by the importer or suppliers. However, invoices were raised by M/s. Orange Box Line (India) to M/s. Pratha Shipping Services where applicant is partner.

7. Shri Shaikh further argued that the export documents of Dubai Customs retrieved on forensic examination of seized laptop from the premises of M/s. Orange Box Line (India) for the aforesaid containers conclusively proves that the goods were not originating in Afghanistan. Shri Shaikh further argued that the

voluntary statement of Vaibhav Kadam proprietor of M/s S. S. Enterprises recorded on 24/02/2026 before SIO/CIU, u/sec.108 of the Customs Act 1962 has stated that co-accused Rajkumar Nair is the employee of Ms. Pratha Shipping Services and he works for the present applicant. He also admitted that applicant has obtained multiple IECs in the name of his staffs and is running a racket of evasion of duties in high value consignments of dry fruits by mis-declaring origin. The same is also investigation considering the central role of applicant, he is influenced over the document chain and the likelihood of interference with evidence or witnesses. He does not deserve the discretionary relief of bail. Hence, it is prayed by Shri Shaikh that the application be rejected.

8. I have given thoughtful consideration to the submissions advanced by both the Ld. Advocates. I have also gone through the material placed on record. On appraisal of papers prima facie it seems that the applicant is neither importer nor beneficiary or owner of goods. There is nothing on record to come to the conclusion that present applicant who arranged and executed forged transit bills of lading. It appears that applicant submitted documents which were provided to him. There is nothing on record to show that applicant derives any benefit and exercises in control or such declaration. A bill of lading is a transport and carriage document issued in the course of shipment of goods and does not certify the country of origin for customs pur-

pose. Determination of origin for the purpose of availing concessional duty under SAFTA is governed exclusively by statutory certificate of country of origin issued by competent authority by exporting country. The bill of lading does not constitute proof of origin and does not confer eligibility of custom. Furthermore, it is pertinent to note that the case in hand is revolving around digital as well as documentary evidence to which department can make its access easily. The applicant is languishing in jail since 21/02/2026. substantial part of the investigation must have completed. The applicant has no antecedents. In view of aforesaid aspects, in my view no purpose will be served by keeping the applicant behind bars for further period. So far as the apprehension raised by the Ld. Adv. Shri Shaikh is concerned, the same can be taken care by imposing certain conditions upon the applicant. Resultantly, I pass the following order.

ORDER

1. The application is allowed.
2. The applicant Vinay Mahesh Bhadra shall be released on bail in F. No.SG/MISC-167/2025-26/CIU/JNCH on his executing PR bond in the sum of Rs.1,00,000/- with two sureties in the like amount to the satisfaction of learned Lower Court.
3. The applicant shall attend the Intelligence Officer, Central Intelligence Unit Mumbai Zone II on every Thursday between 11.00 a.m. and 2.00 p.m. for two months and thereafter as and when called.

4. Applicant shall furnish his residential address proof and shall not change the address without advance intimation in writing to the Court and the Intelligence Officer, Central Intelligence Unit Mumbai Zone II.
5. The applicant shall not directly or indirectly make any inducement, threat and promise to any person, acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or any Intelligence officer.
6. The applicant shall deposit his passport with the Investigating Officer/Intelligence Officer of Intelligence Officer, Central Intelligence Unit Mumbai Zone II within 7 days after his release and Intelligence Officer, Central Intelligence Unit Mumbai Zone II is allowed to retain the passport of applicant until further order.
7. Bail before learned Lower Court.

Panvel
Date :- 12/03/2026

(S. R. Ugale)
Additional Sessions Judge,
Panvel.

CERTIFICATE

I affirm that, the contents of this P.D.F. file judgment/ order are same, word to word, as per the original Judgment.

Name of Stenographer : S. J. Sheth Grade 1
Name of Court : District Court-1 and Additional
Session Court Panvel
Date of dictation (direct) : 12/03/2026
Order signed by PO on : 16/03/2026
Order uploaded on : 16/03/2026