



**प्रधान आयुक्त का कार्यालय, सीमा शुल्क, अहमदाबाद**

"सीमाशुल्क भवन", पहली मंजिल, पुराने हाईकोर्ट के सामने, नवरंगपुरा, अहमदाबाद - 380 009.  
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**SHOW CAUSE NOTICE**

**(Issued under Section 124 of the Customs Act, 1962)**

**Shri Paresh Pavan Chauhan** (hereinafter referred to as the said "passenger/ Noticee"), residing at B/6, Ambika Mil Ni Chali, Behind Sanman Hotel, Jetalpur Road, Vadodara, Gujarat, India, Pin - 390007, holding an Indian Passport No. W3260873 arrived from Jeddah to Ahmedabad by Etihad Airways Flight No. EY 286 (Seat No:28C) at Sardar Vallabhbhai Patel International Airport (SVPIA), Terminal-2, Ahmedabad. On the basis of specific Input Shri Paresh Pavan Chauhan, who arrived by Etihad Airways Flight No. EY 286 (Seat No.11A) on 27.02.2024 from Abu Dhabi to Ahmedabad at Terminal 2 of Sardar Vallabhbhai Patel International Airport (SVPI), Ahmedabad was intercepted by the officers of DRI, AZU, Ahmedabad/ Air Intelligence Unit (AIU), SVPI Airport, Customs, Ahmedabad when he was trying to exit through Green Channel at arrival hall of terminal 2 of Sardar Vallabhbhai Patel International Airport (SVPI) Ahmedabad. Accordingly, two independent Panchas were called for passenger's personal search and examination of his baggages under Panchnama proceedings dated 28.02.2024 (**RUD-01**).

2. In presence of the Panchas on being asked about his identity by the DRI/ AIU officers, the passenger identified himself as Shri Paresh Pavan Chauhan and showed his Indian Passport bearing No. W3260873 and that he had travelled from Abu Dhabi to Ahmedabad on 27.02.2024 having Boarding Pass which showed that he has arrived by Etihad Flight No. EY286 (Seat No.28C) on 27.02.2024 at SVPI Airport, Ahmedabad. The DRI/ AIU officers asked Shri Paresh Pavan Chauhan if he has anything to declare, in reply to which he denied. The DRI/ AIU officers informed the passenger that he along with his accompanied officers would be conducting his personal search and

detailed examination of his baggage. Thereafter, the DRI/ AIU officers asked the passenger whether he wanted to be checked in front of an Executive Magistrate or Superintendent of Customs, in reply to which the passenger gave his consent for personal search in front of the Superintendent of Customs.

**2.1** In presence of two independent Panchas the DRI/ AIU officers asked the said passenger to pass through the Door Frame Metal Detector (DFMD) Machine installed near the green channel in the Arrival Hall of Terminal 2 building, after removing all metallic objects from his body/ clothes. The passenger removed all the metallic objects such as mobile, belt etc. and kept in a plastic tray and passed through the DFMD Machine, however, no beep sound was heard indicating that there was nothing objectionable/ metallic substance on his body/ clothes. Thereafter, the said passenger, the Panchas and the officers of DRI/ AIU moved to the AIU Office located opposite Belt No.2 of the Arrival Hall, Terminal-2, SVPI Airport, Ahmedabad alongwith the baggage of the passenger. The DRI/ AIU officers checked the baggage of the passenger, however nothing objectionable was found. The officers again asked the said passenger if he is having anything dutiable which is required to be declared to the Customs to which the passenger denied.

**2.2** In presence of the Panchas, the AIU Officers questioned and interrogated the said passenger and upon sustained interrogation, the passenger finally confessed that he was carrying one capsule containing gold paste concealed inside his body i.e. rectum. Thereafter, the passenger Shri Paresh Pavan Chauhan was taken to the washroom in the arrival hall of Terminal 2, where he removed one capsule containing gold paste from his rectum. In presence of the Panchas it was found that the said capsule was covered with black coloured adhesive tape. The weight of the said black colour capsule was measured, which came to approximately 211.480 grams. In presence of the Panchas the DRI/ AIU officers took the photograph of the said capsule which was as under:



**2.3** Thereafter, the DRI/ AIU officers called the Government Approved Valuer and informed him that black coloured capsule had been recovered from a passenger and the passenger has informed that it is of gold in semi solid/ paste form and hence, he was needed to come to the Airport for testing and Valuation of the said material. In reply, the Government Approved Valuer informed the DRI/ AIU officers that the testing of the said material is only possible at his workshop as gold has to be extracted from such semi solid/ paste form by melting it and also informed the address of his workshop. Thereafter the Panchas along with the passenger and the DRI/ AIU officers left the Airport premises in a Government Vehicle and reached at the premises of the Government Approved Valuer located at Shree Ambica Touch, Gold Sook Complex, Near Iscon Arcade, C.G. Road, Ahmedabad.

**2.4** On reaching the above referred premises, the DRI/ AIU officers introduced the Panchas as well as the passenger to one person named Shri Kartikey Vasantrai Soni, the Government Approved Valuer. In presence of the Panchas, after weighing the said semi solid substance covered with black coloured adhesive tape on his weighing scale, Shri Kartikey Vasantrai Soni informed that the said one capsule containing gold paste wrapped in black coloured adhesive tape is weighing 211.480 grams. Thereafter, Shri Kartikey Vasantrai Soni led the officers, the Panchas and the passenger to the furnace. Thereafter,

Shri Kartikey Vasantraai Soni started the process of converting the said semi solid material into solid gold, accordingly the white-coloured tape of the capsule was removed and brown coloured substance packed in transparent tape was obtained and put into the furnace and upon heating the said substance turned into liquid material. The said substance in liquid state was taken out of furnace, and poured in a mould and after cooling for some time, it became golden coloured solid metal in form of a bar. After completion of the procedure, the Government Approved Valuer informed that the gold bar weighing 197.360 grams having purity 999.0 is derived from the 211.480 grams of capsule containing gold paste and chemical mix. After testing the said golden coloured metal, the Government Approved Valuer confirmed that it is of pure gold. Further, he informed that the Market Value of the said recovered gold bar having net weight of **197.360** Grams derived from Semi Solid substance Material Consisting of Gold & Chemical Mix is **Rs.12,65,472/-** (Rupees Twelve Lakhs Sixty-Five Thousand Four Hundred and Seventy-Two Only) and Tariff Value is **Rs.10,58,088/-** (Rupees Ten One Lakhs Fifty-Eight Thousand and Eighty-Eight only). The value of the gold bar was calculated as per the Notification No. 12/2024-Customs (N.T.) dated 15.02.2024 (Gold) and Notification No. 13/2024-Customs (N.T.) dated 15.02.2024 (Exchange Rate). The details of the Valuation of the said gold bar is tabulated in below table:

Sr. No.	Details of Items	PCS	Net Weight in Gram	Purity	Market Value (Rs.)	Tariff Value (Rs.)
<b>1</b>	<b>Gold Bar</b>	<b>1</b>	<b>197.360</b>	<b>999.0 24Kt</b>	<b>12,65,472/-</b>	<b>10,58,088/-</b>

**2.5** in presence of the Panchas the DRI/ AIU officers placed the recovered gold bar derived from brown Semi Solid substance Material consisting of Gold & chemical mix on a table and took a photograph of it which was as under:



**2.6** Thereafter, on completion of the proceedings of the extraction of gold at the workshop the Panchas, DRI/ AIU officers and the passengers came back to the Airport in government vehicle alongwith the extracted gold bar. In presence of the Panchas asked the passenger Shri Paresh Pavan Chauhan to produce the identity proof documents and accordingly the passenger produced the same as under:

- (i) Copy of Passport No. W3260873 issued at Surat on 14.07.2022 valid up to 13.07.2032.
- (ii) Boarding pass of Etihad Airways Flight No. EY286 from Abu Dhabi to Ahmedabad dated 27.02.2024 having seat no. 28C.

**2.7** The DRI/ AIU Officers informed the Panchas as well as the passenger, that the Gold bar of 24Kt. with purity 999.0 weighing 197.360 grams derived from Semi Solid substance material consisting of Gold & Chemical Mix having the Market Value of Rs.12,65,472/- (Rupees Twelve Lakhs Sixty Five Thousand Four Hundred and Seventy Two Only) and Tariff Value is Rs.10,58,088/- (Rupees Ten One Lakhs Fifty Eight Thousand and Eighty Eight only) recovered from the above said passenger was attempted to be smuggled into India with an intent to evade payment of Customs duty which is a clear violation of the provisions of the Customs Act, 1962. Thus, the DRI/ AIU officers informed that they have a reasonable belief that the above said gold is being attempted to be smuggled by Shri Paresh Pavan Chauhan and is liable for confiscation as per the provisions of the Customs Act, 1962 and hence the same was placed under seizure. The officers, then, in presence of the Panchas and in the presence of the said passenger

placed the said 24 kt. gold bar of 999.0 purity weighing 197.360 grams recovered from Shri Paresh Pavan Chauhan in one transparent plastic box and after placing the packing list on the same, tied it with white thread and seals it with the Customs lac seal.

**3.** The copies of travelling documents and identity proof documents mentioned above have been taken into possession for further investigation of the case and the Panchas as well as the passenger put their dated signatures on copies of all the above-mentioned travelling documents and the passenger manifest, as a token of having seen and agreed to the same.

**4.** A Statement of Shri Paresh Pavan Chauhan, residing at B/6, Ambika Mil Ni Chali, Behind Sanman Hotel, Jetalpur Road, Vadodara, Gujarat, India, Pin-390007, holding an Indian Passport Number No. W3260873 was recorded under Section 108 of the Customs Act, 1962 **(RUD-02)** before the Superintendent (AIU), Customs, SVPI Airport, Ahmedabad on 28.02.2024, wherein he inter alia stated that he went to Dubai on 08.02.2024; that he went to Dubai for the purpose of selling of cloths only; that the tickets were booked by the him from his money only from a travel agent; that the gold was purchased by him from Dubai; that the fund for gold purchase was arranged by him as loan from Bandhan Bank, Vadodara; that he had intentionally not declared the seized items which was concealed in his rectum before the Customs Authorities on his arrival at SVP International Airport Ahmedabad; that he wanted to clear it illicitly and evade payment of Customs Duty. On being asked he stated that he is fully aware that clearing gold illicitly without payment of Customs duty is an offence, under the provisions of Customs Act, 1962 and Regulations; that he agreed that he had evaded Customs duty on total 197.360 grams of 24Kt, with purity 999.0 involving Market Value of Rs.12,65,472/- (Rupees Twelve Lakhs Sixty Five Thousand Four Hundred and Seventy Two Only) and Tariff Value is Rs.10,58,088/- (Rupees Ten One Lakhs Fifty Eight Thousand and Eighty Eight only) which were recovered from his rectum.

5. The above said gold bar with a net weight of **197.360 grams** having purity of 999.0/24 Kt. involving tariff value of **Rs.10,58,088/-** (Rupees Ten One Lakhs Fifty Eight Thousand and Eighty Eight only) and market value of **Rs.12,65,472/-** (Rupees Twelve Lakhs Sixty Five Thousand Four Hundred and Seventy Two Only) recovered from the said passenger which was attempted to be smuggled into India with an intent to evade payment of Customs duty by of concealment of the gold capsule wrapped in black coloured adhesive tape containing gold in semi solid paste form in his rectum, which was in clear violation of the provisions of the Customs Act, 1962. Thus, on a reasonable belief the said gold bar, totally weighing 197.360 grams which was attempted to be smuggled by Shri Paresh Pavan Chauhan, is liable for confiscation under the provisions of Section 111 of the Customs Act, 1962, hence, the above said gold bar weighing 197.360 grams was placed under seizure under the provision of Section 110 of the Customs Act, 1962, vide Seizure Memo Order dated 28.02.2024, issued from F. No. VIII/10-328/AIU/A/2023-24, under Section 110 (1) & (3) of Customs Act, 1962 (**RUD - 03**).

**6. RELEVANT LEGAL PROVISIONS:**

**A. THE CUSTOMS ACT, 1962:**

**I) Section 2 - Definitions.** —*In this Act, unless the context otherwise requires, —*

(22) "goods" includes-

- (a) vessels, aircrafts and vehicles;
- (b) stores;
- (c) baggage;
- (d) currency and negotiable instruments; and
- (d) any other kind of movable property;

(3) "baggage" includes unaccompanied baggage but does not include motor vehicles;

(33) "prohibited goods" means any goods the import or export of which is subject to any prohibition under this Act or any other law for the time being in force but does not include any such goods in respect of which the conditions subject to which the goods are permitted to be imported or exported have been complied with;

(39) "smuggling", in relation to any goods, means any act or omission which will render such goods liable to confiscation under section 111 or section 113;"

**II) Section 11A – Definitions** -*In this Chapter, unless the context otherwise requires,*

(a) "illegal import" means the import of any goods in contravention of the provisions of this Act or any other law for the time being in force;"

**III) Section 77 – Declaration by owner of baggage.** –The owner of any baggage shall, for the purpose of clearing it, make a declaration of its contents to the proper officer."

**IV) Section 79. Bona fide baggage exempted from duty. -**

(1) The proper officer may, subject to any rules made under sub-section (2), pass free of duty –

(a) any article in the baggage of a passenger or a member of the crew in respect of which the said officer is satisfied that it has been in his use for such minimum period as may be specified in the rules;

(b) any article in the baggage of a passenger in respect of which the said officer is satisfied that it is for the use of the passenger or his family or is a bona fide gift or souvenir; provided that the value of each such article and the total value of all such articles does not exceed such limits as may be specified in the rules.

**V) Section 110 – Seizure of goods, documents and things.—**

(1) If the proper officer has reason to believe that any goods are liable to confiscation under this Act, he may seize such goods:"

**VI) Section 111 – Confiscation of improperly imported goods, etc.**–The following goods brought from a place outside India shall be liable to confiscation:-

(d) any goods which are imported or attempted to be imported or are brought within the Indian customs waters for the purpose of being imported, contrary to any prohibition imposed by or under this Act or any other law for the time being in force;

(f) any dutiable or prohibited goods required to be mentioned under the regulations in an arrival manifest or import manifest or import report which are not so mentioned;

(i) any dutiable or prohibited goods found concealed in any manner in any package either before or after the unloading thereof;

(j) any dutiable or prohibited goods removed or attempted to be removed from a customs area or a warehouse without the permission of the proper officer or contrary to the terms of such permission;

(l) any dutiable or prohibited goods which are not included or are in excess of those included in the entry made under this Act, or in the case of baggage in the declaration made under section 77;

(m) any goods which do not correspond in respect of value or in any other particular with the entry made under this Act or in the case of baggage with the declaration made under section 77 in respect thereof, or in the case of goods under transshipment, with the declaration for transshipment referred to in the proviso to sub-section (1) of section 54;"

**VII) Section 119 – Confiscation of goods used for concealing smuggled goods**–*Any goods used for concealing smuggled goods shall also be liable to confiscation.”*

**VIII)Section 112 – Penalty for improper importation of goods, etc.**– *Any person, -*

*(a) who, in relation to any goods, does or omits to do any act which act or omission would render such goods liable to confiscation under Section 111, or abets the doing or omission of such an act, or*

*(b) who acquires possession of or is in any way concerned in carrying, removing, depositing, harboring, keeping, concealing, selling or purchasing or in any manner dealing with any goods which he know or has reason to believe are liable to confiscation under Section 111, shall be liable to penalty.*

**B. THE FOREIGN TRADE (DEVELOPMENT AND REGULATION) ACT, 1992;**

**I) Section 3(2)** - *The Central Government may also, by Order published in the Official Gazette, make provision for prohibiting, restricting or otherwise regulating, in all cases or in specified classes of cases and subject to such exceptions, if any, as may be made by or under the Order, the import or export of goods or services or technology.”*

**II) Section 3(3)** - *All goods to which any Order under sub-section (2) applies shall be deemed to be goods the import or export of which has been prohibited under section 11 of the Customs Act, 1962 (52 of 1962) and all the provisions of that Act shall have effect accordingly.”*

**III) Section 11(1)** - *No export or import shall be made by any person except in accordance with the provisions of this Act, the rules and orders made thereunder and the foreign trade policy for the time being in force.”*

**C. THE CUSTOMS BAGGAGE DECLARATIONS REGULATIONS, 2013:**

**I) Regulation 3 (as amended)** - *All passengers who come to India and having anything to declare or are carrying dutiable or prohibited goods shall declare their accompanied baggage in the prescribed form.*

**Contravention and violation of laws:**

**7.** It therefore appears that:

**(a)** The passenger had dealt with and actively indulged himself in the instant case of smuggling of gold into India. The passenger had improperly imported gold bar weighing

197.360 grams having purity 999.0/ 24 Kt. by concealing in one gold capsule wrapped in black coloured adhesive tape containing gold in semi solid paste form in his rectum, totally weighing 197.360 grams and involving tariff value of **Rs.10,58,088/-** (Rupees Ten One Lakhs Fifty-Eight Thousand and Eighty-Eight only) and market value of **Rs.12,65,472/** (Rupees Twelve Lakhs Sixty-Five Thousand Four Hundred and Seventy-Two Only). The said gold was concealed in one capsule wrapped in black coloured adhesive tape containing gold in semi solid paste form in his rectum and not declared to the Customs. The passenger opted not to declare before Customs and denied for any declaration even though he was repeatedly suggested to declare if anything dutiable/ prohibited/ restricted are in his possession with deliberate intention to evade the payment of Customs Duty and fraudulently circumventing the restrictions and prohibitions imposed under the Customs Act, 1962 and other allied Acts, Rules, and Regulations. Therefore, the improperly imported 197.360 grams of gold bar of purity 999.0/24 Kt. by the passenger by way of concealment of one capsule wrapped in black colored adhesive tape containing gold in semi solid paste form in his rectum without declaring it to the Customs on arrival in India cannot be treated as bonafide household goods or personal effects as per Section 79 of the Customs Act,1962. The passenger has thus contravened the Foreign Trade Policy 2015-20 and Section 11(1) of the Foreign Trade (Development and Regulation) Act, 1992 read with Section 3(2) and 3(3) of the Foreign Trade (Development and Regulation) Act, 1992.

- (b)** By not declaring the value, quantity and description of the goods imported by him, the said passenger violated the provision of Baggage Rules, 2016, read with the Section 77 of the Customs Act, 1962 read with Regulation 3 of Customs Baggage Declaration Regulations, 2013.

- (c) The improperly imported gold by the passenger, Shri Paresh Pavan Chauhan, found concealed capsule wrapped in black coloured adhesive tape containing gold in semi solid paste form in his rectum, without declaring it to the Customs and now converted into gold bar is thus liable for confiscation under Section 111(d), 111(f), 111(i), 111(j), 111(l) and 111(m) read with Section 2 (22), (33), (39) of the Customs Act, 1962 and further read in conjunction with Section 11(3) of the Customs Act, 1962.
- (d) Shri Paresh Pavan Chauhan, by his above-described acts of omission and commission on his part has rendered himself liable to penalty under Section 112 of the Customs Act, 1962.
- (e) As per Section 123 of the Customs Act, 1962, the burden of proving that the gold bar weighing 197.360 Grams having purity 999.0/ 24 Kt. and involving tariff value **Rs.10,58,088/-** (Rupees Ten One Lakhs Fifty Eight Thousand and Eighty Eight only) and market value of **Rs.12,65,472/-** (Rupees Twelve Lakhs Sixty Five Thousand Four Hundred and Seventy Two Only) which was concealed in the capsule wrapped in black colored adhesive tape containing gold in semi solid paste form in his rectum by the passenger, totally weighing 197.360 grams without declaring it to the Customs, are not smuggled goods, is upon the passenger and Noticee Shri Paresh Pavan Chauhan.

8. Now, therefore, **Shri Paresh Pavan Chauhan**, residing at B/6, Ambika Mil Ni Chali, Behind Sanman Hotel, Jetalpur Road, Vadodara, Gujarat, India, Pin-390007 holding an Indian Passport No. W3260873, is hereby called upon to show cause in writing to the Additional Commissioner of Customs, having his Office located at 2<sup>nd</sup>Floor, 'Custom House' Building, Near All India Radio, Navrangpura, Ahmedabad-380 009, as to why:

- (i) The One Gold Bar weighing 197.360 grams having purity 999.0/24 Kt. and involving tariff value **Rs.10,58,088/-** (Rupees Ten One Lakhs Fifty Eight Thousand and Eighty Eight only) and market value of **Rs.12,65,472/-** (Rupees Twelve Lakhs Sixty Five Thousand Four Hundred and Seventy Two Only), derived from one capsule wrapped in white colored adhesive tape containing gold in semi solid paste form in the passenger's rectum was placed under seizure under Panchnama proceedings dated 28.02.2024 and Seizure Order dated 28.02.2024, should not be confiscated under the provision of Section 111(d), 111(f), 111(i), 111(j), 111(l) and 111(m) of the Customs Act, 1962;
- (ii) The packing material i.e. black coloured adhesive tape, used for packing and concealment of the above-mentioned gold bar which was attempted to be smuggled into India in violation of Section 77, Section 132 and Section 135, of the Customs Act, 1962, seized under panchnama dated 28.02.2024 and Seizure memo order dated 28.02.2024, should not be confiscated under Section 119 of the Customs Act, 1962; and
- (iii) Penalty should not be imposed upon the passenger Shri Paresh Pavan Chauhan holding Indian Passport No. W3260873 under Section 112 of the Customs Act, 1962, for the omissions and commissions mentioned hereinabove.

**9.** Shri Paresh Pavan Chauhan, is further required to state specifically in the written reply as to whether he wishes to be heard in person before the case is adjudicated. If no specific mention is made about this in the written reply, it shall be presumed that he doesnot wish to be heard in person. He should produce at the time of showing cause, all the evidences which he intends to rely upon in defense.

**10.** Shri Paresh Pavan Chauhan, is further required to note that the reply should reach **within 30 (thirty) days** or within such extended period as may be allowed by the adjudicating authority. If no cause is shown against the action proposed above within 30 days fromthe

receipt of this show cause notice or if anyone does not appear before the adjudicating authority as and when the case is posted for hearing, the case is liable to be decided ex-parte on the basis of facts and evidences available on record.

**11.** This show cause notice is issued without prejudice to any other action that may be taken against him, under this Act or any other law for the time being in force, or against any other company, person(s), goods and conveyances whether named in this notice or not.

**12.** Department reserves its right to amend, modify or supplement this notice at any time prior to the adjudication of the case.

**13.** The relied upon documents for the purpose of this notice are listed in Annexure 'A' and copies thereof are enclosed with this notice.

  
11/7/24

**(Vishal Malani)**

Additional Commissioner  
Customs, Ahmedabad

F. No. VIII/10-135/SVPIA-A/O&A/HQ/2024-25  
DIN: 20240771MN0000710777

Date : 11.07.2024

**BY SPEED POST/ E-mail:**

To,  
**Shri Paresh Pavan Chauhan,**  
B/6, Ambika Mil Ni Chali,  
Behind Sanman Hotel, Jetalpur Road,  
Vadodara, Gujarat, India, Pin-390007.

**Copy to :**

- (i) The Deputy Commissioner of Customs (AIU), SVPIA, Ahmedabad.
- (ii) The System In-Charge, Customs, HQ., Ahmedabad for uploading on the official web-site.
- (iii) Guard File.

**Annexure 'A'**

Documents relied upon in the notice to Show Cause, issued to Shri Paresh Pavan Chauhan holding Indian Passport No. W3260873, for attempting to smuggle One Gold Bar having net weight of 197.360 Grams.

Sr. No.	Document	Remarks
1.	Panchnama drawn on 28.02.2024 at SVP International Airport, Ahmedabad	Copy enclosed.
2.	Valuation certificate dated 28.02.2024 issued by Shri Karitkey Soni, Government Approved Valuer.	Copy enclosed.
3.	Statement dated 28.02.2024 of Shri Paresh Pavan Chauhan.	Copy enclosed.
4.	Seizure Order dated 28.02.2024 issued under Section 110(1) & (3) of the Customs Act, 1962.	Copy enclosed.