



प्रधान आयुक्त का कार्यालय, सीमाशुल्क, अहमदाबाद

"सीमा शुल्क 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 Anwar Husain Shaikh S/o Abdul Hasan Shaikh (herein after referred to as the 'passenger') residing at 55-Municipal Patra Chawl Back Side R. No-4, Tank Pakhadi Road Byculla, Mumbai, Maharashtra-400011 holding Indian Passport bearing No. S3744245 arrived from Dubai by Emirates Flight having number EK538 at SVP International Airport, Ahmedabad on 09.08.2023. On the basis of specific intelligence from the DRI, Ahmedabad, the passenger was intercepted by the Air Intelligence unit (hereinafter referred to as "AIU") officers, SVPIA, Customs, Ahmedabad while passenger was attempting to exit through green channel without making any declaration to Customs, under Panchnama proceedings dated 09.08.2023 **[RUD No.-01]** in presence of two independent witnesses for passenger's personal search and examination of his baggage.

2.1 The AIU officers asked the passenger if he had anything dutiable to declare to the Customs authorities, to which the said passenger replied in negative. The AIU officers informed the passenger that they would be conducting his personal search and detailed examination of his baggage. The said passenger was asked by officers whether he wished to be searched before a Gazetted officer or Magistrate for which he agreed to being searched by a Gazetted officer. Before conducting the search the AIU officers offer their personal search to which he denies and said that it is not necessary and he has full faith in the officers. The officers asked the 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 the passenger was asked to pass through the Door Frame Metal Detector placed in the hall in front of Belt No.4 near Green channel in the arrival hall of Terminal-2, SVPI Airport and his checked in and hand bags were scanned through the X-Ray Baggage Inspection machine, but nothing objectionable is observed.

2.2 The Customs officer interrogated the passenger and again asked him if he was carrying any dutiable goods with him, even on sustained

interrogation, the said passenger did not confess that he was carrying any high valued dutiable goods. However, on the basis of input received from DRI, AZU that said passenger might be carrying high value dutiable/ contraband goods hidden inside his body, AIU officers informed the passenger, that x-ray would be required to be conducted to confirm whether he had concealed any substance in his body. Further, the officers again asked the passenger whether he was carrying any dutiable/ contraband goods in his body by way of concealment, the passenger again denied the same and agreed for the X-ray to be conducted.

2.3 Thereafter, X-ray expert along with his machines for conducting the x-ray at the above mentioned premises was called and the X-ray of the passenger was conducted, as per the X-ray report two big size capsules in semi-solid state was found present in rectum of Shri Anwar Husain Shaikh. Further, the passenger was asked regarding the capsule size materials in his rectum to which the passenger admitted that he had two gold capsules covered with black tape in his body. Thereafter, the AIU officers found said capsules from passenger's body.

2.4 Thereafter, the Customs officer calls the Government Approved Valuer and informs him that two capsules covered with black tape have been recovered from one passenger and the passenger has informed that it is gold in paste form and hence, he needs to come to the Airport for testing and valuation of the said material. In reply, the Government Approved Valuer informs the Customs officer that the testing of the said material is only possible at his workshop as gold must be extracted from such paste form by melting it and informs the address of his workshop.

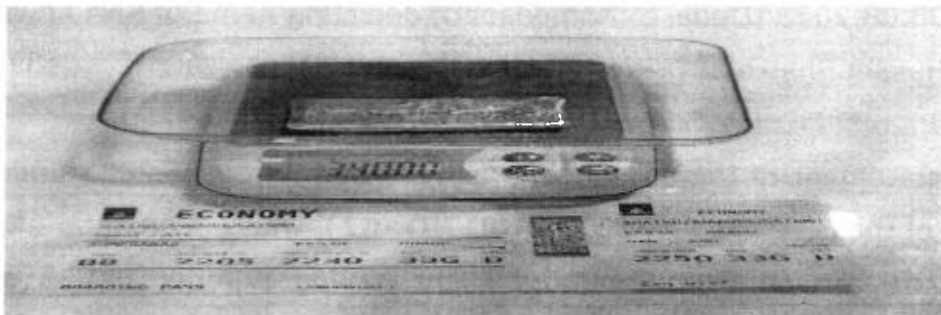
2.5 Thereafter, at around 10.00 A.M. on 09.08.2023, two panchas along with the passenger Shri Anwar Husain Shaikh and AIU officers leave the Airport premises in a Government Vehicle and reach at the premises of the Government Approved Valuer located at 301, Golden Signature, Bh. Ratnam Complex, C.G Road, Ahmedabad-380006.

2.6 On reaching the above referred premises, the AIU officer introduces the panchas as well as the passenger to one person named Mr. Kartikey Vasantraai Soni, Government Approved Valuer. Here, after weighing the said capsules on his weighing scale, Mr. Kartikey Vasantraai Soni informs that the said two capsule containing paste are weighing 423.530 Grams and photograph of the same is as under:



2.7 Thereafter, Shri Kartikey Vasantrai Soni, the Government Approved Valuer, started the process of extracting the gold from the two gold capsules. After completion of extraction, Government Approved Valuer informed that Gold bar weighing **340.00 Grams** having purity 999.0/24kt is derived from the 423.530 Grams of semisolid paste substance consisting of Gold paste and chemical mix (02 capsules). The valuation Certificate No. 335/2023-24 dated 09.08.2023 prepared by Shri Kartikey Vasantrai Soni (**RUD-2**). After testing and valuation the Govt. Approved Valuer vide his certificate no 335/2023-24 dated 09.08.2023 confirmed that it is gold having purity 999.0/24 Kt. The govt. Approved Valuer summarized that this gold bar is made up of 24kt gold having purity 999.0 weighing 340.00 grams derived from 423.530 grams of semisolid paste substance consisting of 02 Gold paste and chemical mix capsules concealed inside the rectum of the passenger. Further, the Govt Approved Valuer informed that the total **Tariff Value** of the said gold bar is **Rs.17,87,870/-** (Rupees Seventeen Lakhs Eighty-Seven Thousand Eight Hundred and Seventy only) and **market value** is **Rs.20,79,100/-** (Rupees Twenty Lakhs Seventy-Nine Thousand and one Hundred only) which has been calculated as per the Notification No. 56/2023-Customs (N.T) dated 31.07.2023(gold) and Notification No. 57/2023-Customs (NT) dated 03.08.2023 (exchange rate).

2.8. The Photograph of recovered gold bar derived from the semisolid paste substance consisting of 02 Gold paste and chemical mix capsules is as under:



-The outcome of the

said testing is summarized in below table.

Sl. No.	Details of Items	PCS	Net Weight in Gram	Purity	Market Value (Rs.)	Tariff Value (Rs.)
1.	Gold Bar	1	340.00	999.0 24 Kt	20,79,100/-	17,87,870/-

3. The said pure gold of 24 kt having 999.0 purity retrieved from the semisolid paste substance consisting of 02 Gold paste and chemical mix capsules inside the rectum of the passenger, weighing 340.00 Grams, have Tariff Value of Rs.17,87,870/- (Rupees Seventeen Lakhs Eighty-Seven Thousand Eight Hundred and Seventy only) and market Value of Rs.20,79,100/- (Rupees Twenty Lakhs Seventy-Nine Thousand and one Hundred only). The said gold recovered from the passenger was attempted to be smuggled inside India with intent to evade payment of Customs duty and was a clear violation of the provisions of Customs Act, 1962. Thus, having a reasonable belief that the said gold Bar (1 piece) having weight 340.00 Grams was attempted to be smuggled by the passenger, were liable for confiscation under the provisions of Customs Act, 1962; they were placed under seizure vide Panchnama dated 09.08.2023 drawn by the Officer of Customs (AIU) and the DRI, AZU under a reasonable belief that the subject Gold was attempted to be smuggled into India and was liable for confiscation under Section 111 of the Customs Act, 1962 **(Seizure Report dated 09.08.2023- RUD No. 03)**. Further, the gold, recovered from the passenger, was placed under seizure under Section 110 of the Customs Act, 1962 vide Panchnama dated 09.08.2023 drawn by the Officer of Customs, AIU, at SVPI Airport, Ahmedabad.

The following travelling documents and identity documents of the passenger were recovered and withdrawn for further investigation:

- (i) Copy of Passport No. S3744245 issued at Mumbai on 17.05.2018 valid up to 16.05.2028. **(RUD No. 04)**
- (ii) Boarding pass of Emirates Flight having number EK538 having seat no. 33G and his e ticket no. is 1769050991535-1 from Dubai to Ahmedabad dated 08.08.2023. **(RUD No. 05)**
- (iii) Passenger Manifest of Emirates Flight having number EK538 dated 08.08.2023 (Dubai to Ahmedabad) depicting name of Shri Anwar Husain Shaikh at S. No. **204 (RUD -No. 6)**

4. The statement of the passenger was recorded on 09.08.2023 under Section 108 of the Customs Act, 1962 **(RUD NO.-07)**, wherein he, inter alia, stated that he arrived from Emirates Flight having number EK538 on

08.08.2023 having seat no. 33G and his e ticket no. is 1769050991535-1, having Passport No. S3744245, at Sardar Vallabhbhai Patel International Airport, Ahmedabad. Furthermore, the passenger accepted that the said Gold Bar (1 Piece) having weight 340.00 Grams which was derived from 02 capsules having gross weight 423.530 concealed inside his rectum belonged to him only. Under his statement, the passenger admitted that the said gold capsules were given to him by some unknown person in Dubai hotel room for carrying to India and must deliver those capsules to one person who would have contact him in Mumbai. The same was clearly meant for commercial purpose and hence do not constitute bonafide baggage within the meaning of Section 79 of the Customs Act, 1962. Further, the said goods were also not declared before Customs by the pax. He stated that he was aware that smuggling of gold without payment of customs duty is an offence. Since, he had to clear the gold without payment of Customs duty, he did not make any declarations in this regard. He admitted that he had opted for green channel so that he could attempt to smuggle the Gold without paying customs duty. Further, he again confirmed the recovery of gold bar weighing 340.00 grams of 999.0/24 Kt purity valued at Rs.20,79,100/- (market value) and Rs.17,87,870/- (tariff value) from him during the course of Panchnama dated 09.08.2023.

5. Therefore, on the basis of facts narrated above, the said gold Bar (1 Piece) weighing 340.00 grams of 999.0/24 Kt purity valued at Rs.20,79,100/- (market value) and Rs.17,87,870/- (tariff value), derived from 423.530 grams 02 gold capsules concealed inside the rectum of the passenger, appeared liable for confiscation, was placed under seizure under Panchnama dated 09.08.2023 as said gold totally weighing 340.00 grams seized under Panchnama dated 09.08.2023 was "smuggled goods" as defined under Section 2(39) of Customs Act, 1962. It also appeared that the said pax has conspired to smuggle the said gold into India. The offence committed has been admitted by the said passenger in his statement recorded on 09.08.2023 under Section 108 of the Customs Act, 1962. He has committed an offence punishable under Section 135 (1) (a) & (b) of the Customs Act, 1962.

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 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:"

V) "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;"

VI) "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.*

VII) "SECTION 119- Confiscation of goods used for concealing smuggled goods – Any goods used for concealing smuggled goods shall also be liable to confiscation.

Explanation. – In this section, "goods" does not include a conveyance used as a means of transport.

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)** Shri Anwar Husain Shaikh improperly imported the Gold Bar one (01), weighing 340.00 Grams of purity 999.0 (24KT) having

Tariff Value of Rs.17,87,870/- (Rupees Seventeen Lakhs Eighty Seven Thousand Eight Hundred and Seventy only) and market Value of Rs.20,79,100/- (Rupees Twenty Lakhs Seventy Nine Thousand and one Hundred only) derived from the 423.530 grams of 02 Gold capsules concealed inside the rectum of the passenger (as discussed herein above) without declaring it to the Customs by denying that he has nothing to declare to customs with a 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. The passenger had knowingly and intentionally imported the said Gold Bar improperly without declaring the same to the Customs authority under temptation to evade Customs Duty. Therefore, the gold imported by the passenger which was not declared to the Customs on arrival in India cannot be treated as bonafide household goods or personal effects. Shri Anwar Husain Shaikh 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)** The passenger, by not declaring the contents of his baggage which included dutiable and prohibited goods to the proper officer of the Customs has contravened Section 77 of the Customs Act, 1962 read with Regulation 3 of Customs Baggage Declaration Regulations, 2013.
- (c)** The improperly imported gold capsule concealed inside the rectum by the passenger without declaring it to the Customs is thus liable for confiscation under Section 111(d), 111(i) and 111(j) read with Section 2 (22), (33), (39) of the Customs Act, 1962 and further read in conjunction with Section 11(3) of Customs Act, 1962.
- (d)** The passenger, by his above-described acts of omission and commission on his part has rendered himself liable to penalty under Section 112 of Customs Act, 1962.
- (e)** As per Section 123 of Customs Act 1962, the burden of proving that the One Gold Bar, weighing 340.00 grams having purity 999.0 (24KT), Tariff Value of Rs.17,87,870/- (Rupees Seventeen Lakhs Eighty-Seven Thousand Eight Hundred and Seventy only) and market Value of Rs.20,79,100/- (Rupees Twenty Lakhs Seventy-Nine Thousand and one Hundred only) recovered/

derived from 423.530 grams (02) gold capsules concealed inside the rectum by the passenger without declaring it to the Customs, are not smuggled goods, is upon the passenger and Noticee, Shri Anwar Husain Shaikh.

8. Now therefore, Shri Anwar Husain Shaikh, resident of 55-Municipal Patra Chawl Back Side R.No-4, Tank Pakhadi Road Byculla, Mumbai, Maharashtra-400011 holding Indian Passport bearing No. S3744245, is called upon to show cause in writing to **the Additional Commissioner of Customs** having his office at Custom House, Nr. All India Radio, Income Tax Circle, Navrangpura, Ahmedabad, as to why:

i) The One Gold Bar, weighing 340.00 grams having purity 999.0 (24KT) recovered/ derived from 02 gold capsules weighing 423.530 grams, having Tariff Value of Rs.17,87,870/- (Rupees Seventeen Lakhs Eighty-Seven Thousand Eight Hundred and Seventy only) and market Value of Rs.20,79,100/- (Rupees Twenty Lakhs Seventy-Nine Thousand and one Hundred only) placed under seizure under panchnama dated 09.08.2023 and seizure memo order dated 09.08.2023 should not be confiscated under Section 111(d), 111(f), 111(i), 111(j), 111(l) and 111(m) of the Customs Act, 1962;

ii) Penalty should not be imposed under Section 112(a) and 112(b) of the Customs Act, 1962.

9. Shri Anwar Husain Shaikh is further required to state specifically in his 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 his written submissions, it shall be presumed that he does not wish to be heard in person. He should produce at the time of showing cause, all the evidences upon which he intends to rely in support of his defense.


10. The passenger is further required to note that his reply should reach within 30 (thirty) days from the receipt of this SCN 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 from the receipt of this SCN or if he 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. The relied upon documents for the purpose of this notice are listed in the **Annexure-R** and copies thereof are enclosed with this notice.

12. 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.

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


(Vishal Malani)
Additional Commissioner,
Customs, Ahmedabad

F. No. VIII/10-152/SVPIA-D/O&A/HQ/2023-24
DIN : 20231271MN0000777BFA

Date: 15/12/2023

BY RPAD/E-MAIL/ NOTICE BOARD/OTHER LEGALLY PERMISSIBLE MODE

To,
Shri Anwar Husain Shaikh, S/o Abdul Hasan Shaikh,
55, Municipal Patra Chawl, Back Side R. No. 4,
Tank Pakhadi Road, Byculla,
Mumbai, Maharashtra – 400 011.

ANNEXURE – 'R'

LIST OF DOCUMENTS/RECORDS RELIED UPON FOR THE PURPOSE OF SHOW CAUSE NOTICE ISSUED TO Shri Anwar Husain Shaikh.

S. No.	Nature of document	Remarks
1	Panchnama dated 09.08.2023 drawn at SVPI Airport, Ahmedabad	Copy already provided
2	Valuation Report of Government Approved Valuer Shri Kartikey Vasantrai Soni vide his report dated 09.08.2023	Copy enclosed
3	Seizure memo Order dated 09.08.2023 issued under Section 110(1) of the Customs Act, 1962.	Copy enclosed
4	Copy of Passport No. S3744245 issued on 17.05.2018	Copy enclosed
5	Copy of Boarding Pass showing Seat No.33G of the passenger in Emirates Flight number EK538 from Dubai to Ahmedabad dated 09.08.2023	Copy enclosed
6	Passenger Manifest of Emirates Flight number EK538 from Dubai to Ahmedabad dated 09.08.2023 depicting name of Shri Anwar Husain Shaikh at S. No. 204	Copy enclosed
7	Statement of Shri Anwar Husain Shaikh recorded on 09.08.2023	Copy enclosed

Copy to:

- The Deputy/ Assistant Commissioner of Customs (AIU), Sardar Vallabhbhai Patel International Airport, Ahmedabad-380003.
- The System In charge, Customs HQ, Ahmedabad for uploading on official web-site i.e. <http://www.ahmedabadcustoms.gov.in>.
- Guard File.

ANNEXURE 'B'

VALUATION CERTIFICATE OF ONE GOLD BAR EXTRACTED FROM BROWN COLOURED SEMI SOLID SUBSTANCE RECOVERED FROM SHAIKH ANWAR HUSAIN AT SVPI AIRPORT, AHMEDABAD ON 09/08/2023.

Certificate No: 335/2023-24

Dated: 09/08/2023.

This is to certify that I have checked and examined the 1 Piece of Gold Bar weighing **340.000** Grams derived from semi solid substance consisting of Gold & Chemical mix having Gross weight is **423.530** Grams (With Capsules Covered with Black Tape). I confirm and authenticate that the said yellow metal as given below.

The market value of the aforesaid Gold & tariff value as per the Notification No. 56/2023- Customs (N.T.) dated 31.07.2023 (gold) and Notification No. 57/2023- Customs (N.T.) dated 03.08.2023 (exchange rate), the calculation of total market value based on the unit market value of gold @ 61150 per 10 grams (999.0 24Kt) and the calculation of total tariff value based on the tariff value of gold prevailing at the time of valuation @ 52584.40 Rs. per 10 gram (999.0 24Kt) are as given below: -

Sr.No.	Details of Items	PCS	Net Weight in Gram	Purity	Market value (Rs)	Tariff Value (Rs)
1	Gold Bar	1	340.000	999.0 24Kt	2079100	1787870
	Total	1	340.000		2079100	1787870

Place: Ahmedabad

Date: 09/08/2023



[Signature]
09/08/23
(SONI KARTIKEY VASANTRAI)

Qr: Certificate-No:335-2023-24 Dated:09.08.2023 The Deputy Commissioner (Aiu) Svpi Customs Ahmedabad Recovered From Shaikh Anwar Husain

[Signature]
9/8/23

[Signature]
9/8/23

[Signature]
9/8/23

[Signature]
9/8/23



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+91-98795-88823



www.kvjewels.in



info@kvjewels.in



301, Golden Signature, Bh.Ratnam Complex,
C.G.Road Ahmedabad-380006

Statement of Shri Anwar Husain Shaikh, aged 38 Years, (D.O.B.02.04.1981) (Mobile No.- 9987972574) (Aadhar No. 6865 0217 0280), S/o Abdul Hasan Shaikh, residing at 55-Municipal Patra Chawl Back Side R.No-4, Tank Pakhadi Road Byculla, Mumbai, Maharashtra-400011 recorded before the Superintendent (AIU), Customs, SVPI Airport, Ahmedabad under Section 108 of the Customs Act, 1962 on 09.08.2023.

=====

I, Anwar Husain Shaikh (Mobile No.- 9987972574), (Aadhar No. 6865 0217 0280), S/o Abdul Hasan Shaikh, residing at 55-Municipal Patra Chawl Back Side R.No-4, Tank Pakhadi Road Byculla, Mumbai, Maharashtra-400011 recorded before the Superintendent (AIU), Customs, SVPI Airport, Ahmedabad under Section 108 of the Customs Act, 1962 appear before you today on 09.08.2023 in compliance of summons dated 09.08.2023 to voluntarily tender my statement under Section 108 of the Customs Act, 1962, in connection with an inquiry initiated by DRI, Ahmedabad alongwith Air Intelligence Units, Customs, SVPI Airport, Ahmedabad with reference to smuggling of gold through SVP International Airport, Ahmedabad, on 09.08.2023.


Before recording my statement, I have been explained the provisions of Section 108 of the Customs Act, 1962. I know and am fully aware that I have to give true and correct statement before the recording officer. I am also aware that giving false or misleading statement is an offence punishable under Section 193 of the Indian Penal Code, 1860. I have also been explained that these proceedings are deemed to be judicial proceedings within the meaning of section 193 and 228 of Indian Penal Code, 1860 and this statement of mine can be used as an evidence against me and/or any other person, firm, company etc. in any proceeding under the Customs Act, 1962 or any other act for the time being in force or the proceedings in the court of law. Having been aware and understanding my responsibilities under the law, I am hereby giving my true, correct and voluntary statement as under.

My name, age, address and other details are true and correct. I completed 9th class from Mumbai School in 1998. I hereby produce a copy of my Boarding Pass of Emirates Flight No. Ek 538 dtd. 08.08.2023 from Dubai to Ahmedabad vide PNR no. JWN8DS as proof of my identity. I am producing a copy of my Aadhar Card bearing No. 6865 0217 0280.

 9/8/23

[B N Doria]

Superintendent, Customs, AIU,
SVPIA, Ahmedabad

 9/8/23

[Shri Anwar Husain Shaikh]

I know English, Marathi & Hindi Language and I can read, write and understand these languages. As per my request, the officer is recording my statement on computer system installed at office premises of (AIU), Customs, SVPI Airport, Ahmedabad in English language.

Today, the officers of the AIU, SVPIA, Ahmedabad shown Panchnama dated 09.08.2023 drawn at the Arrival Hall of Terminal 2 of Sardar Vallabhbhai Patel International Airport, Ahmedabad. In token of having seen and correctness of the facts mentioned in the said Panchnama, I put my dated signature on last page of the said Panchnama. I was present during the entire panchnama proceedings. I am also shown Annexure-A and B (valuation certificate) issued by Shri Soni Kartikey Vasantrai. In token of having seen and understood the same I put my dated signature on the said Annexure A and B. I state that 1 gold capsule having Gross weight 423.53 (Net weight of Gold 340.00 Gram) with purity 999.0/24 Carats was recovered from 02 capsule concealed in rectum) having a market value of Rs. 20,79,100/-.

The AIU Officers further records my statement in Question Answer form, wherein officer would ask question and I would reply to his question and for the same I give my consent:

Q-1. Please state your name, age, present address, profession and property?

Ans:- My name, age and address stated above is true and correct. My permanent residence address in India since last 42 years is as above. I am working as a compounder on commission basis at Dental Doctor Clinic in Mumbai since 1-2 years. They pay commission to me on patient basis @200 rupees. I am living in father's house in Mumbai i.e. 55-Municipal Patra Chawl Back Side R.No-4, Tank Pakhadi Road Byculla, Mumbai, Maharashtra-400011. Further I have a bank A/c in Bank of Baroda Bank having account no. 308810100439. My PAN No. is BYBPS6184F.

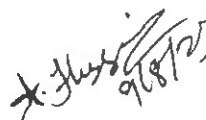
Q-2. : - Please give the details of your family residing with you and their profession?

Ans: I am living with my wife and 03 sons and 01 daughter, Elder son is 16 years old, 2nd son is 13 years old, daughter is 10 years old and 3rd son is 05 years old. There is no other income in my family except my salary.


9/8/23

[B N Doria]

Superintendent, Customs, AIU,
SVPIA, Ahmedabad


9/8/23

[Shri Anwar Husain Shaikh]

Q.3 :- What is your educational qualification and your monthly income?

Ans.: - I am 9th pass only and I am working as Sales/commission agent at a dental clinic.

Q.4. What is your Aadhar No and have you any passport and if yes give the pass port No. ? Have you travelled abroad ?


Ans: My aadhar No. is 6865 0217 0280. I have passport bearing No. S3744245 which is valid till 16.05.2028. I have travelled 04 to 05 times Dubai for carrying/smuggling gold.

Question-5:- From where you are travelling to Ahmedabad? Please provide complete details of your air ticket & your Journey?

Ans: In this regard, I state that I have travelled from Mumbai to Dubai for smuggling Gold from there to India. Further, after reaching there I have stayed in a hotel room where I have received the Gold Capsule for taking that to Ahmedabad. I have also received a return ticket from Dubai to Ahmedabad dated 08.08.2023 of Emirates airlines having number EK 538 by which I have travelled to Ahmedabad by concealing that Gold capsule in my rectum. I don't know the name of person who have delivered the Gold capsule and ticket to me, I have to deliver that capsule to one person who contact me at Mumbai. And as per plan I have to travel by bus on 09.08.2023 from Ahmedabad to Mumbai. The boarding pass in original was already taken over from me during the course of panchnama. I further state that the Flight tickets were not booked by me.

Question-6:- What was the purpose of your journey?

Ans: In this regard, I state that as per directions of my known Shri Sultan Bhai, mobile no. 9769164724, I have to deliver this capsule which are containing Gold paste to some person at Mumbai who would contact me later on in Mumbai, and my friend will give Rs. 10000/- for this whole episode after completion.


9/8/23

[B N Doria]
Superintendent, Customs, AIU,
SVPIA, Ahmedabad


9/8/23

[Shri Anwar Husain Shaikh]

Question-7:- Please narrate whole incident from starting?

Answer: In this regard, I state that my known Shri Sultan Bhai (Mb. No. 9769164724) based in Mumbai has told me to go to Dubai and take Gold from there and return back to India. On his advice, I travelled from Mumbai to Dubai through Air by SpiceJet flight on 06.08.2023. After reaching at Dubai Airport, some unknown person had come to pick me up for hotel, while staying in Hotel that unknown person gave me 01 Semi Solid substance consisting of gold and chemical mixed in Capsule form and instruct me to travel from return ticket of Emirates EK 538 dated 08.08.2023 from Dubai to Ahmedabad, India and to carry that 01 Semi Solid substance consisting of gold. He further instruct me to travel to Mumbai Back after reaching to Ahmedabad by way of Road transportation. He also asked me to inform him after reaching to Mumbai then some unknown person would contact me to whom I have to deliver that Semi Solid substance consisting of gold.

When I reached at Ahmedabad Airport on 09.08.2023 at 03 A.M. the AIU Officers and DRI Officers alongwith the panchas intercepted me and asked me whether I have anything to declare to the Customs. I denied to them that I have nothing to declare to Customs at Ahmedabad Airport. Then after, the Officers checked me thoroughly and recovered 01 Semi Solid substance consisting of gold from my possession (01 capsule form my rectum).

Q-8 How did you booked your tickets?

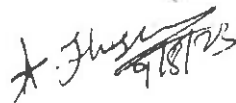
Ans. I state that the tickets were not booked by me. But given to me by Shri Sultan Bhai for flight from Mumbai to Dubai and from Dubai to Ahmedabad.

My above statement is recorded in a peaceful and cordial atmosphere and I have given my statement voluntarily. My above statement is recorded on a computer in English at my request. While recording my statement no force, threat, pressure or inducement is used and any kind of social, religious or economical feeling have been not hurt. I have again read my statement and find that it has been recorded as per my say and version and is true and correct. In token of correctness of the facts recorded in my this statement, I put my dated signature on all the pages from 1 to 4 pages of my this statement.



9/8/23

[B N Doria]
Superintendent, Customs, AIU,
SVPIA, Ahmedabad



[Shri Anwar Husain Shaikh]

आयकर विभाग

INCOME TAX DEPARTMENT



भारत सरकार

GOVT. OF INDIA

ANWAR HUSAIN SHAIKH

ABDUL HASAN ASHRAFI SHAIKH

02/04/1981

Permanent Account Number

BYBPS6184F

[Handwritten signature]

Signature



22072009

A. Hussain
9/8/23

A. Hussain
9/8/23

P, *[Signature]*

P2 *[Signature]*
9/8/23

Annexure-III

Proposal for Advance Reward to Staff

F. No. VIII/10-57/AIU/D/2023-24

1	Date & place of seizure	09.08.2023 at Arrival Hall of Terminal-2, SVPI Airport, Ahmedabad.
2	Description of goods	01 gold Bars weighing 340 grams having purity 999.0/24KT Gold bar obtained from 02 gold capsules totally weighing 423.530 grams recovered from the passenger Shri Anwar Husain Shaikh.
3	Quantity (in case of Gold/Silver/Narcotics)	01 gold TT Bar weighing 340 grams
4	Panchnama Value	Rs. 20,79,100/- (Market Value) Rs. 17,87,870/- (Tariff Value)
5	Estimated Value	Rs. 20,79,100/- (Market Value) Rs. 17,87,870/- (Tariff Value)
6	Sale proceeds actually realized	Nil
7	10% of the estimated value/sale proceeds in case of seizure made prior to 01/01/85.	- N.A -
8	20% of the estimated value/sale proceeds in case of seizure made after to 01/01/85.	- N.A -
9	Amount available at the rate per total / kg. (in respect of gold/silver/narcotics)	Rs.51,000/- (Rs. 1500 x 340/10) @ Rs.1,500/- per 10 grams for gold of 999% purity
10	Advance reward already sanctioned, if any (attach copy of order)	Nil
11	Amount available as advance/final reward to the staff as per column No.9	Rs.25,500/- Advance Reward [50% of the total admissible reward of Rs.51,000/- (Rs. 1500 x 340/10), as specified at Para 6.1]



भारत सरकार
GOVERNMENT OF INDIA

अनवर हुसैन अब्दुल सत शेख
Anwar Husain Abdul Hasan Shaikh
जन्म तिथि / DOB: 02/04/1981
पुरुष / Male

6865 0217 0280

A. Hussain
9/8/23

Abdul
9/8/23

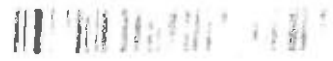
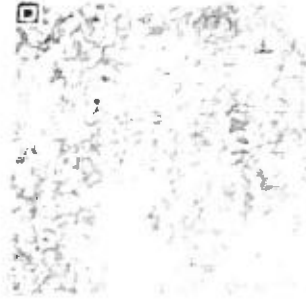
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भारतीय विशिष्ट पहचान प्राधिकरण
UNIQUE IDENTIFICATION AUTHORITY OF INDIA

अब्दुल क़दिर खान, एस.एस. नगर पालिका चॉल, बैक
4, टंक पखडी रोड, गडकुला, मुंबई
महाराष्ट्र, 400 001



1947
1800 300 1947



help@uidai.gov.in

WWW

www.uidai.gov.in

P.O. Box No.1947,
Bengaluru-560 001

A. Hussain
9/8/23

A. Hussain
9/8/23

P1

K
9/8/23

P2

T. Hussain
9/8/23

A. Jyoti
9/8/23

Ashraf
9/8/23

P2
9/8/23

P1
9/8/23

EMIGRATION CHECK REQUIRED

पिता / माता / अश्रफ अश्रफ / Name of Father / Legal Guardian

ABDUL HASAN ASHRAFI SHAIKH

माता / Name of Mother

FARIDA ABDUL HASAN SHAIKH

पति / Name of Spouse

MAHEJABIN ANWAR HUSAIN SHAIKH

पता / Address

55-MUNICIPAL PATRA CHAWL BACK SIDE R.NO-4

TANK PAKHADI ROAD BYCULLA, MUMBAI

PIN: 400011, MAHARASHTRA, INDIA

पुराना पासपोर्ट नं. / Old Passport No. with Date and Place of Issue

F9756318

05/09/2006

MUMBAI

फाइल नं. / File No.

803072359030218



53744245

पत्रा शीत / MISCELLANEOUS SERVICE

पत्रा शीत / OBSERVATION



ECONOMY

SHAIKH/ANWARHUSAINMR

SMART GATE

AHMEDABAD		EK538	OBAUG		
Gate	Boarding at	Gate closes at	Seat	Seating zone	
B8	2205	2230	33G	D	

BOARDING PASS

1769050991535-1



ECONOMY

SHAIKH/ANWARHUSAINMR

EK538 OBAUG

DXB - AMD			
Departure	Seat	Seating zone	
2250	33G	D	

Seq 0237

A. Hussain
9/8/23

Amudh
9/8/23

P, [Signature]
9/8/23

P2, [Signature]
9/8/23



* Hussini
9/8/23

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9/8/23

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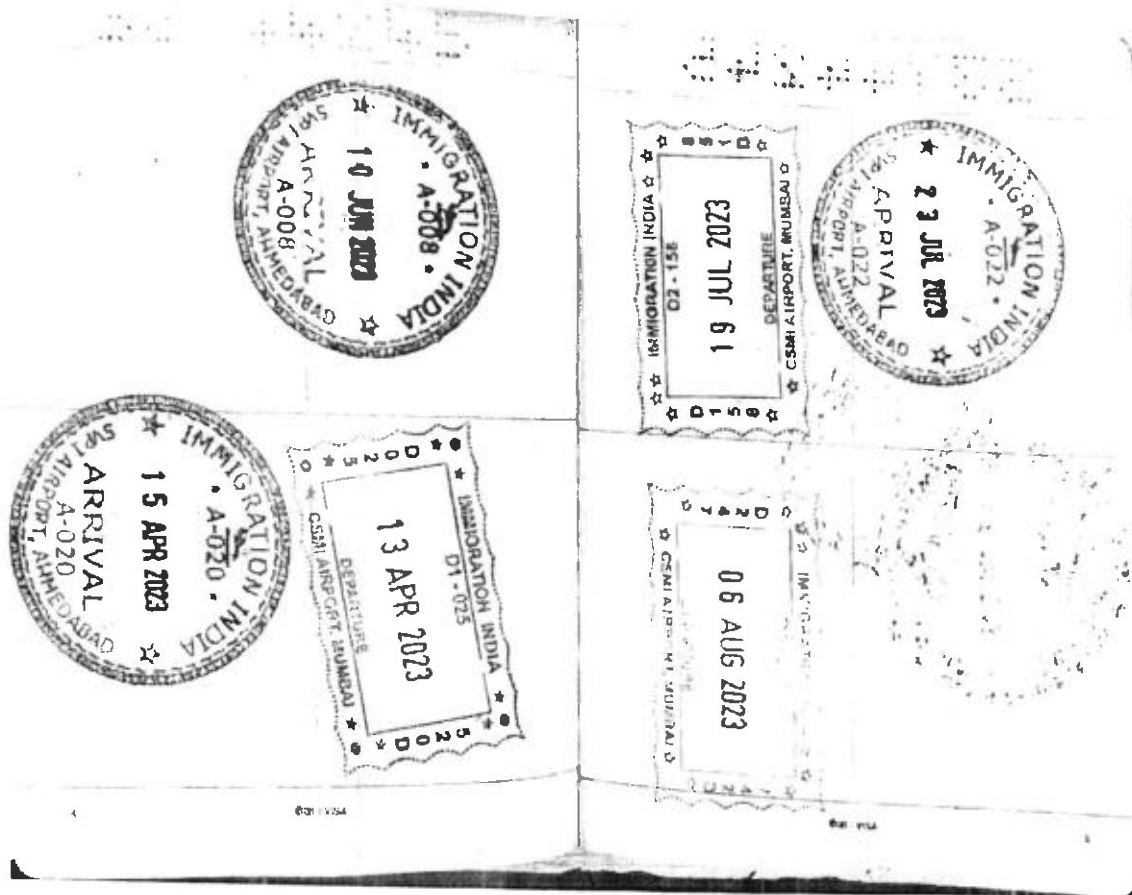
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* Hussain
9/8/23

Arshad
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HS
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P₂ ~~HS~~
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