



## प्रधान आयुक्त का कार्यालय, सीमाशुल्क, अहमदाबाद

“सीमा शुल्क भवन,” पहलीमंजिल, पुराने हाईकोर्ट के सामने, नवरंगपुरा, अहमदाबाद – 380009.

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**DIN:20251271MN000000EC2C**

### PREAMBLE

A	फ़ाइलसंख्या/ File No.	:	VIII/10-58/SVPIA-B/O&A/HQ/2025-26
B	कारण बताओ नोटिस संख्या-तारीख / Show Cause Notice No. and Date	:	VIII/10-58/SVPIA-B/O&A/HQ/2025-26 Dated: 26.11.2025
C	मूल आदेश संख्या/ Order-In-Original No.	:	<b>192/ADC/SRV/O&amp;A/HQ/2025-26</b>
D	आदेश तिथि/ Date of Order-In-Original	:	<b>31.12.2025</b>
E	जारी करने की तारीख/ Date of Issue	:	<b>31.12.2025</b>
F	द्वारा पारित/ Passed By	:	<b>Shree Ram Vishnoi,</b> Additional Commissioner, Customs, Ahmedabad.
G	आयातक का नाम और पता / Name and Address of Importer / Passenger	:	<p>“Whom so ever it may concern”</p> <p>(1) To be pasted on the Notice Board of Custom House, Navrangpura, Ahmedabad – 380 009.</p> <p>(2) To be pasted on the Notice Board of Customs, SVPI Airport, Ahmedabad.</p>
1)	यह प्रति उन व्यक्तियों के उपयोग के लिए निःशुल्क प्रदान की जाती है जिन्हे यह जारी की गयी है।		
2)	कोई भी व्यक्ति इस आदेश से स्वयं को असंतुष्ट पाता है तो वह इस आदेश के विरुद्ध अपील इस आदेश की प्राप्ति की तारीख के 60 दिनों के भीतर आयुक्त कार्यालय, सीमा शुल्क अपील)चौथी मंजिल, हुडको भवन, ईश्वर भुवन मार्ग, नवरंगपुरा, अहमदाबाद में कर सकता है।		
3)	अपील के साथ केवल पांच (5.00) रुपये का न्यायालय शुल्क टिकिट लगा होना चाहिए और इसके साथ होना चाहिए:		
i)	अपील की एक प्रति और;		
ii)	इस प्रति या इस आदेश की कोई प्रति के साथ केवल पांच (5.00) रुपये का न्यायालय शुल्क टिकिट लगा होना चाहिए।		
4)	इस आदेश के विरुद्ध अपील करने इच्छुक व्यक्ति को 7.5 % (अधिकतम 10 करोड़) शुल्क अदा करना होगा जहां शुल्क या इयूटी और जुर्माना विवाद में है या जुर्माना जहां इस तरह की दंड विवाद में है और अपील के साथ इस तरह के भुगतान का प्रमाण पेश करने में असफल रहने पर सीमा शुल्क अधिनियम, 1962 की धारा 129 के प्रावधानों का अनुपालन नहीं करने के लिए अपील को खारिज कर दिया जायेगा।		

**BRIEF FACTS OF THE CASE:**

The officers of AIU, SVPIA, Ahmedabad conducted rummaging of Indigo flight no. 6E-1478 arriving from Dubai to Ahmedabad on 24.08.2025. During the Course of rummaging, the officers Shri Dinesh Kumar Superintendent, AIU SVPIA Ahmedabad and Shri Sunil Kumar, Inspector, AIUSVPIA Ahmedabad found two black-coloured plastic wrapped pouches which were placed under the commode of rear toilet of the Aircraft of the said flight No. 6E-1478 which had arrived from Dubai to SVPIA Ahmedabad on 24.08.2025 and parked at Bay No. 31 Lima terminal 2 of SVPIA Ahmedabad. The proceedings were recorded under Panchnama dated 24.08.2025.

**2.** Thereafter the said officers alongwith panchas returned to the green channel and the said suspicious two pouches, wrapped with black tape were then X-rayed on the X-ray Baggage Inspection Machine kept in Green Channel in the International Arrival Hall, Terminal-2 in presence of panchas. During the course of X-ray of the said two pouches, the Customs Officer noticed some suspicious dark colored images suspected it to be paste of gold.

**2.1** Thereafter, the officers called the Government Approved Valuer (Shri Kartikey Vasantrai Soni) and informed him that Two black colour pouches containing semi solid gold and chemical mix paste was recovered during rummaging of Indigo flight no. 6E-1478 arriving from Dubai to Ahmedabad on 24.08.2025. They further said that they suspect those pouches is containing gold paste and chemical in semi solid form and that he needed to come to the Airport for verification, examination and valuation of the recovered item. In reply, the Government Approved Valuer informed the Officers that the testing of the material is possible only 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.

**2.2** Thereafter, the Officers, along with the passenger and the panchas left the Airport premises in a government vehicle and reached at the premises of the Government Approved Valuer, located at 301, Golden Signature, Behind Ratnam Complex, C.G. Road, Ahmedabad-380006. On reaching the above-mentioned premises, the officers introduced the panchas to one person namely Shri Kartikey Vasantrai Soni, Government Approved Valuer. Shri Kartikey Soni examined and weighed the said black Colour pouches recovered from aircraft and provided detailed primary verification report of semi solid substance according to which said pouches contained semi solid substance consisting of Gold & chemical mix having Gross weight 2196.61 grams. Thereafter, the Government Approved valuer led the Officers, and panchas to the furnace, which is located inside his business premises. Then, Shri Kartikey Soni started the process of converting the semi solid paste into solid gold by putting it into the furnace and upon heating the substance turned into liquid material. The said substance consisting of gold in liquid state was then taken out of furnace and poured into two bar shaped plate and then after cooling for some time, it became yellow coloured solid metal in form of two bars. After completion of the procedure, the Government Approved Valuer informed that 2 Gold bars totally weighing 1867.310 Grams has been derived from 2196.61 grams of semi solid gold paste concealed in the two pouches wrapped with black colour tape. The photographs of the said semi solid gold and chemical mix Black colour pouches and the 2 Gold bars derived from it are as under:



**3.** Thereafter, Shri Kartikey Soni, the Government Approved Valuer submitted Valuation Report Certification no. 508/2025-26 dated 24.08.2025 the details of which are as under:

Sl. No.	Details of Items	PCS	Net Weight in Gram	Purity	Market Value (Rs.)	Tariff Value (Rs.)
1.	Gold Bars	2	1867.310	999.0/24Kt	Rs. 1,93,26,659/-	Rs. 1,77,75,988/-

**3.1** Further, as per the said Valuation Report, the recovered two gold bars are having net weight of 1867.310 grams, purity 999.0/24kt, Tariff Value of Rs.1,77,75,988/- (Rupees One Crore Seventy Seven Lakhs, Seventy Five Thousand Nine Hundred and Eighty Eight only) and Market Value of Rs.1,93,26,659/- (Rupees One Crore Ninety Three Lakhs Twenty Six Thousand and Six Hundred Fifty Nine only), which has been calculated as per the Notification No. 50/2025-Customs (N.T.) dated 14.08.2025 (gold) and Notification No. 36/2024-Customs (N.T.) dated 22.08.2025 (exchange rate).

#### **SEIZURE OF THE ABOVE GOLD BARS:**

**4** As the afore-said 02 Gold Bars recovered from the Gold paste and chemical mix wrapped with black tape was found concealed under the commode of rear toilet of the Indigo flight bearing No.6E-1478 arrived from Dubai to Ahmedabad on 24.08.2025 at Terminal -2, SVPIA Ahmedabad, it was not possible to identify as to who was the owner of the said gold items and therefore as there was no claimant for the said gold items and it was not possible to identify the proper and legitimate claimant of the same, it was considered that the said 02 gold bars are 'Unclaimed' and it is not possible to ascertain the owner of the same.

**5.** The said 02 gold bars totally weighing 1867.310 Grams were found unclaimed and the same were recovered without any legitimate Import documents inside the Customs Area, therefore the same fall under the category of Smuggled Goods and stand liable for confiscation under the Customs Act, 1962. Therefore, the said 02 gold Bar totally weighing 1867.310 grams having purity 999(24Kt) having Tariff value of Rs. 1,77,75,988/- (One Crore Seventy-Seven Lakhs, Seventy-Five Thousand Nine Hundred and Eighty-Eight only) and Market value of Rs. 1,93,26,659/- (One Crore Ninety-Three Lakhs Twenty-Six Thousand and Six Hundred Fifty-Nine only) were placed under seizure vide order dated 24.08.2025 issued under the provisions of Section 110(1) and (3) of the Customs Act, 1962 under reasonable belief that the subject unclaimed Gold is liable for confiscation under Section 111 of the Customs Act, 1962.

**6.** From the investigation conducted in the case, it appears that the aforesaid gold was imported into India in violation of the provisions of The Baggage Rules, 1998, as amended, in as much as gold or silver in any form, other than ornaments is not allowed to be imported free of duty. In the instant case, 02 gold bars having weigh 1867.31 gram of purity of 24 KT/999.0 derived from gold and chemical paste concealed in two pouches wrapped with black colour tape having gross weigh 2196.61

grams were concealed under the commode of the rear side toilet of the Indigo bearing No.6E-1478 arrived from Dubai to Ahmedabad at Terminal -2, SVPIA Ahmedabad on 24.08.2025. Further, the said quantity of gold is more than the permissible limit allowed to a passenger under the Baggage Rules, and for these reasons alone it cannot be considered as a bonafide baggage under the Customs Baggage Rules 1998. According to Section 77 of the Customs Act, 1962, the owner of any baggage, for the purpose of clearing it, is required to make a declaration of its contents to the proper officer. In the instant case, no passenger had declared the said 02 gold bars totally weighing 1867.310Grams having purity of 24 KT/999.0 because of malafide intention and thereby contravened the provision of Section 77 of the Customs Act, 1962. It therefore, appears that the said 02 gold bars totally weighing 1867.310Grams having purity of 24 KT/999.0 derived from gold and chemical paste concealed in two pouches wrapped with black colour tape having gross weigh 2196.61 were attempted to be smuggled into India with an intention to clear the same without discharging duty payable thereon. It, therefore, appears that the said02 gold bars totally weighing 1867.310Grams having purity of 24 KT/999.0 is liable for confiscation under the provision of Section 111 of the Customs Act, 1962. Consequently, the said 02 gold bars totally weighing 1867.310Gramsderived from gold and chemical paste concealed in two pouches wrapped with black colour tape having gross weigh 2196.61 found concealed under the commode of the rear side toilet of the Indigo bearing No.6E-1478 arrived from Dubai to Ahmedabad at Terminal -2, SVPIA Ahmedabad on 24.08.2025were placed under seizure vide Panchanama dated 24.08.2025and Seizure order dated 24.08.2025by the AIU Officers of Customs under the reasonable belief that the subject Unclaimed Gold is liable for confiscation.

## **7. SUMMATION:**

The aforementioned proceedings indicates that some unknown person/s had attempted to smuggle the aforesaid gold into India and thereby rendered the aforesaid gold having Tariff value of Rs. 1,77,75,988/- (One Crore Seventy-Seven Lakhs, Seventy-Five Thousand Nine Hundred and Eighty-Eight only) and Market value of Rs. 1,93,26,659/- (One Crore Ninety-Three Lakhs Twenty-Six Thousand and Six Hundred Fifty-Nine only), liable for confiscation under the provisions of Section 111 of the Customs Act, 1962 and therefore the same were placed under Seizure.

## **8. LEGAL PROVISIONS RELEVANT TO THE CASE:**

### **Foreign Trade Policy 2015-20 and Foreign Trade (Development and Regulation) Act, 1992**

- 8.1** In terms of Para 2.26 (a) of the Foreign Trade Policy 2015-20, only bona fide household goods and personal effects are allowed to be imported as part of passenger baggage as per limits, terms and conditions thereof in Baggage Rules notified by the Ministry of Finance. Gold can be imported by the banks (Authorized by the RBI) and agencies nominated for the said purpose under Para 4.41 of the Chapter 4 of the Foreign Trade Policy or any eligible passenger as per the provisions of Notification no. 50/2017-Customs dated 30.06.2017 (Sr. No. 356). As per the said notification “Eligible Passenger” means passenger of Indian Origin or a passenger holding valid passport issued under the Passport Act, 1967, who is coming to India after a period of not less than 6 months of stay abroad.
- 8.2** As per Section 3(2) of the Foreign Trade (Development and Regulation) Act, 1992 the Central Government may by Order 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.

**8.3** As per Section 3(3) of the Foreign Trade (Development and Regulation) Act, 1992 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.

**8.4** As per Section 11(1) of the Foreign Trade (Development and Regulation) Act, 1992 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.

**The Customs Act, 1962:**

**8.5** As per Section 2(3) – “baggage includes unaccompanied baggage but does not include motor vehicles.

**8.6** As per Section 2(22), of Customs Act, 1962 definition of 'goods' includes-

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

**8.7** As per Section 2(33) of Customs Act 1962, 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.

**8.8** As per Section 2(39) of the Customs Act 1962 '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 of the Customs Act 1962.

**8.9** As per Section 11(3) of the Customs Act, 1962 any prohibition or restriction or obligation relating to import or export of any goods or class of goods or clearance thereof provided in any other law for the time being in force, or any rule or regulation made or any order or notification issued thereunder, shall be executed under the provisions of that Act only if such prohibition or restriction or obligation is notified under the provisions of this Act, subject to such exceptions, modifications or adaptations as the Central Government deems fit.

**8.10** As per Section 77 of the Customs Act 1962 the owner of baggage shall, for the purpose of clearing it, make a declaration of its contents to the proper officer.

**8.11** As per Section 110 of Customs Act, 1962 if the proper officer has reason to believe that any goods are liable to confiscation under this Act, he may seize such goods.

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

- (a)** *any goods imported by sea or air which are unloaded or attempted to be unloaded at any place other than a customs port or customs airport appointed under clause (a) of section 7 for the unloading of such goods;*
- (b)** *any goods imported by land or inland water through any route other than a route specified in a notification issued under clause (c) of section 7 for the import of such goods;*

- (c) any dutiable or prohibited goods brought into any bay, gulf, creek or tidal river for the purpose of being landed at a place other than a customs port;
- (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;
- (e) any dutiable or prohibited goods found concealed in any manner in any conveyance;
- (f) any dutiable or prohibited goods required to be mentioned under the regulations in an import manifest or import report which are not so mentioned;
- (g) any dutiable or prohibited goods which are unloaded from a conveyance in contravention of the provisions of section 32, other than goods inadvertently unloaded but included in the record kept under sub-section (2) of section 45;
- (h) any dutiable or prohibited goods unloaded or attempted to be unloaded in contravention of the provisions of section 33 or section 34;
- (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;
- (k) any dutiable or prohibited goods imported by land in respect of which the order permitting clearance of the goods required to be produced under section 109 is not produced or which do not correspond in any material particular with the specification contained therein;
- (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 transhipment, with the declaration for transhipment referred to in the proviso to sub-section (1) of section 54];
- (n) any dutiable or prohibited goods transited with or without transhipment or attempted to be so transited in contravention of the provisions of Chapter VIII;
- (o) any goods exempted, subject to any condition, from duty or any prohibition in respect of the import thereof under this Act or any other law for the time being in force, in respect of which the condition is not observed unless the non-observance of the condition was sanctioned by the proper officer;
- (p) any notified goods in relation to which any provisions of Chapter IV-A or of any rule made under this Act for carrying out the purposes of that Chapter have been contravened.

### **8.13 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 knows or has reason to believe are liable to confiscation under Section 111, shall be liable to penalty.

**8.14** As per Section 123 of Customs Act 1962,

(1) where any goods to which this section applies are seized under this Act in the reasonable belief that they are smuggled goods, the burden of proving that they are not smuggled goods shall be-

(a) in a case where such seizure is made from the possession of any person -

(i) on the person from whose possession the goods were seized; and

(ii) if any person, other than the person from whose possession the goods were seized, claims to be the owner thereof, also on such other person;

(b) in any other case, on the person, if any, who claims to be the owner of the goods so seized.

(2) This section shall apply to gold, and manufactures thereof, watches, and any other class of goods which the Central Government may by notification in the Official Gazette specify.

**8.15** All dutiable goods imported into India by a passenger in his baggage are classified under CTH 9803.

### **Customs Baggage Rules and Regulations:**

**8.16** As per Customs Baggage Declaration (Amendment) Regulations, 2016 issued vide Notification no. 31/2016 (NT) dated 01.03.2016, 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 under Section 77 of the Customs Act, 1962.

**8.17** As per Rule 5 of the Baggage Rules, 2016, a passenger residing abroad for more than one year, on return to India, shall be allowed clearance free of duty in his bon-fide baggage of jewellery upto weight, of twenty grams with a value cap of Rs. 50,000/- if brought by a gentlemen passenger and forty grams with a value cap of one lakh rupees, if brought by a lady passenger.

### **Notifications under Foreign Trade Policy and The Customs Act, 1962:**

**8.18** As per Notification no. 49/2015-2020 dated 05.01.2022, gold in any form includes gold in any form above 22 carats under Chapter 71 of the ITC (HS), 2017, Schedule-1 (Import Policy) and import of the same is restricted.

**8.19** Notification No. 50 /2017 -Customs New Delhi, the 30th June, 2017 G.S.R. (E).- In exercise of the powers conferred by sub-section (1) of section 25 of the Customs Act, 1962 (52 of 1962) and sub-section (12) of section 3, of Customs Tariff Act, 1975 (51 of 1975), and in supersession of the notification of the Government of India in the Ministry of Finance (Department of Revenue), No. 12/2012 -Customs, dated the 17th March, 2017 published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R. 185 (E) dated the 17th March, 2017, except as respects things done or omitted to be done before such

supersession, the Central Government, on being satisfied that it is necessary in the public interest so to do, hereby exempts the goods of the description specified in column (3) of the Table below or column (3) of the said Table read with the relevant List appended hereto, as the case may be, and falling within the Chapter, heading, sub-heading or tariff item of the First Schedule to the said Customs Tariff Act, as are specified in the corresponding entry in column (2) of the said Table, when imported into India,- (a) from so much of the duty of customs leviable thereon under the said First Schedule as is in excess of the amount calculated at the standard rate specified in the corresponding entry in column (4) of the said Table; and (b) from so much of integrated tax leviable thereon under sub-section (7) of section 3 of said Customs Tariff Act, read with section 5 of the Integrated Goods and Services Tax Act, 2017 (13 of 2017) as is in excess of the amount calculated at the rate specified in the corresponding entry in column (5) of the said Table, subject to any of the conditions, specified in the Annexure to this notification, the condition number of which is mentioned in the corresponding entry in column (6) of the said Table:

S.N.	Chapter or Heading or sub-heading or tariff item	Description of goods	Standard rate	Condition No.
356.	71 or 98	(i) Gold bars, other than tola bars, bearing manufacturer's or refiner's engraved serial number and weight expressed in metric units, and gold coins having gold content not below 99.5%, imported by the eligible passenger (ii) Gold in any form other than (i), including tola bars and ornaments, but excluding ornaments studded with stones or pearls	10%	41

**Condition no. 41 of the Notification:**

If,- 1. (a) the duty is paid in convertible foreign currency; (b) the quantity of import does not exceed ten kilograms of gold and one hundred kilograms of silver per eligible passenger; and 2. the gold or silver is,- (a)carried by the eligible passenger at the time of his arrival in India, or (b) the total quantity of gold under items (i) and (ii) of Sr. No. 356 does not exceed one kilogram and the quantity of silver under Sr. No. 357 does not exceed ten kilograms per eligible passenger; and (c ) is taken delivery of from a customs bonded warehouse of the State Bank of India or the Minerals and Metals Trading Corporation Ltd., subject to the conditions 1 ; Provided that such eligible passenger files a declaration in the prescribed form before the proper officer of customs at the time of his arrival in India declaring his intention to take delivery of the gold or silver from such a customs bonded warehouse and pays the duty leviable thereon before his clearance from customs. Explanation.- For the purposes of this notification, "eligible passenger" means a passenger of Indian origin or a passenger holding a valid passport, issued under the Passports Act, 1967 (15 of 1967), who is coming to India after a period of not less than six months of stay abroad; and short visits, if

any, made by the eligible passenger during the aforesaid period of six months shall be ignored if the total duration of stay on such visits does not exceed thirty days and such passenger has not availed of the exemption under this notification or under the notification being superseded at any time of such short visits.

**9** From the above paras, it appears that during the period relevant to this case, import of gold in any form (gold having purity above 22 kt.) was restricted as per DGFT notification and import was permitted only by nominated agencies. Further, it appears that import of goods whereas it is allowed subject to certain conditions are to be treated as prohibited goods under section 2(33) of the Customs Act, 1962 in case such conditions are not fulfilled. As such import of gold is not permitted under Baggage and therefore the same is liable to be held as prohibited goods.

#### **10. CONTRAVIEN T AND VIOLATION OF LAWS:**

It therefore appears that:

**(i)** Some unknown passenger(s)/person(s) had attempted to smuggle/improperly import 02 Gold Bars weighing 1867.310Grams having purity 24KT /999.0and having Tariff value of Rs. 1,77,75,988/- (One Crore Seventy-Seven Lakhs, Seventy-Five Thousand Nine Hundred and Eighty-Eight only) and Market value of Rs. 1,93,26,659/- (One Crore Ninety-Three Lakhs Twenty-Six Thousand and Six Hundred Fifty-Nine only) derived from two pouches of gold and chemical paste having weigh 2196.61 gram wrapped with Black tape, 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 unknown passenger(s)/person(s) had knowingly and intentionally smuggled the said gold in the form of paste and chemical mix pouches wrapped with black tape which was found concealed under the commode of the rear side toilet of the Indigo bearing No.6E-1478 arrived from Dubai to Ahmedabad at Terminal - 2, SVPIA Ahmedabad to clear it illicitly to evade payment of the Customs duty. Therefore, the improperly imported gold by the unknown passenger(s)/person(s) by way of concealment without declaring it to the Customs on arrival in India cannot be treated as bonafide household goods or personal effects. The unknown passenger(s)/person(s) has/have 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, as amended.

**(ii)** The unknown passenger(s)/person(s) who is/are claiming the ownership, by not declaring the contents of the 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.

**(iii)** The improperly imported/ smuggled gold by unknown passenger(s)/ person(s) who is/ are claiming the ownership, concealed in the form of gold and chemical paste in the form of two pouches wrapped with black tape which was found concealed under the commode of the rear side toilet of the Indigo bearing No.6E-1478 arrived from Dubai to Ahmedabad at Terminal -2, SVPIA Ahmedabad for the purpose of the smuggling without declaring it to the Customs is thus liable for confiscation under Section 111(d), 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 Customs Act, 1962.

- (iv) The unknown passenger(s)/person(s) who is/are claiming the ownership, by the above-described acts of omission/commission and/or abetment has/have rendered themselves liable to penalty under Section 112 of Customs Act, 1962.
- (v) As per Section 123 of Customs Act 1962, the burden of proving that the said 02 Gold bars totally weighing 1867.310 grams which were derived from gold and chemical paste in the form of two pouches wrapped with black tape found concealed under the commode of the rear side toilet of the Indigo bearing No.6E-1478 arrived from Dubai to Ahmedabad at Terminal -2, SVPIA Ahmedabad are not smuggled goods, is upon the said unknown passenger(s)/person(s) who is/are claiming the ownership of the said gold, who are the Noticee(s) in this case.

**11.** Accordingly, a Show Cause Notice was issued to the Noticee(s) i.e. unknown passenger(s)/person(s) who is/are claiming the ownership of the aforesaid 02 Gold Bars weighing 1867.310 Grams having purity 24Kt./999.0 derived from gold and chemical paste concealed in two pouches wrapped with black tape totally weighing 2196.61 grams which was found concealed under the commode of the rear side toilet of the Indigo bearing No.6E-1478 arrived from Dubai to Ahmedabad at Terminal -2, SVPIA Ahmedabad, as to why:

- (i) The 02 Gold Bars weighing 1867.310 Grams having purity 24KT /999.0 and having Tariff Value of Rs. 1,77,75,988/- (One Crore Seventy-Seven Lakhs, Seventy-Five Thousand Nine Hundred and Eighty-Eight only) and Market value of Rs. 1,93,26,659/- (One Crore Ninety-Three Lakhs Twenty-Six Thousand and Six Hundred Fifty-Nine only) derived from gold and chemical paste concealed in two pouches wrapped with black tape totally weighing 2196.61 grams which was found concealed under the commode of the rear side toilet of the Indigo bearing No.6E-1478 arrived from Dubai to Ahmedabad at Terminal -2, SVPIA Ahmedabad placed under seizure under panchnama proceedings dated 24.08.2025 and Seizure Memo Order dated 24.08.2025, should not be confiscated under the provision of Section 111(d), 111(l) and 111(m) of the Customs Act, 1962;
- (ii) Penalty should not be imposed upon the unknown passenger(s)/person(s) who is/are claiming the ownership of the said gold, under Sections 112 of the Customs Act, 1962, for the omissions and commissions mentioned hereinabove.

#### **DEFENSE REPLY AND RECORD OF PERSONAL HEARING: -**

**12.** The noticee i.e. unknown person(s)/ passenger(s)/ original importer or any other claimants have not submitted any written submission to the Show Cause Notice issued.

**13.** The noticee i.e. unknown person(s)/ passenger(s) / original importer or any other claimant/s have not appeared for personal hearing granted to them on 27.12.2025. The letter for personal hearing were served by way of affixing on the Notice Board of Customs House Building in term of Section 153 of Customs Act, 1962. In the instant case, the noticee(s) has been granted opportunity of being heard in person but no body come forward to attend PH. I am of the opinion that sufficient opportunities have been offered to the Noticee(s)/unknown passenger in keeping with the principle of natural justice and there is no prudence in keeping the matter in abeyance indefinitely.

**13.1** Before, proceeding further, I would like to mention that Hon'ble Supreme Court, High Courts and Tribunals have held, in several judgments/decision, that ex parte decision will not amount to violation of principles of Natural Justice.

In support of the same, I rely upon some the relevant judgments/orders which are as under-

**a)** The Hon'ble Supreme Court in the matter of Jethmal Versus Union of India reported in 1999 (110) E.L.T. 379 (S.C.), the Hon'ble Court has observed as under;

*"7. Our attention was also drawn to a recent decision of this Court in A.K. Kripak v. Union of India - 1969 (2) SCC 340, where some of the rules of natural justice were formulated in Paragraph 20 of the judgment. One of these is the well known principle of audi alteram partem and it was argued that an ex parte hearing without notice violated this rule. In our opinion this rule can have no application to the facts of this case where the appellant was asked not only to send a written reply but to inform the Collector whether he wished to be heard in person or through a representative. If no reply was given or no intimation was sent to the Collector that a personal hearing was desired, the Collector would be justified in thinking that the persons notified did not desire to appear before him when the case was to be considered and could not be blamed if he were to proceed on the material before him on the basis of the allegations in the show cause notice. Clearly he could not compel appearance before him and giving a further notice in a case like this that the matter would be dealt with on a certain day would be an ideal formality."*

**b).** Hon'ble High Court of Kerala in the case of United Oil Mills Vs. Collector of Customs & C. Ex., Cochin Reported in 2000 (124) E.L.T. 53 (Ker.), the Hon'ble Court has observed that;

*Natural justice - Petitioner given full opportunity before Collector to produce all evidence on which he intends to rely but petitioner not prayed for any opportunity to adduce further evidence - Principles of natural justice not violated.*

**c)** Hon'ble High Court of Calcutta in the case of Kumar Jagdish Ch. Sinha Vs. Collector of Central Excise, Calcutta reported in 2000 (124) E.L.T. 118 (Cal.) in Civil Rule No. 128 (W) of 1961, decided on 13-9-1963, the Hon'ble court has observed that;

*Natural justice - Show cause notice - Hearing - Demand - Principles of natural justice not violated when, before making the levy under Rule 9 of Central Excise Rules, 1944, the Noticee was issued a show cause notice, his reply considered, and he was also given a personal hearing in support of his reply - Section 33 of Central Excises & Salt Act, 1944. - It has been established both in England and in India [vide N.P.T. Co. v. N.S.T. Co. (1957) S.C.R. 98 (106)], that there is no universal code of natural justice and that the nature of hearing required would depend, inter alia, upon the provisions of the statute and the rules made there under which govern the constitution of a particular body. It has also been established that where the relevant statute is silent, what is required is a minimal level of hearing, namely, that the statutory authority must 'act in good faith and fairly listen to both sides' [Board of Education v. Rice, (1911) A.C. 179] and, "deal with the question referred to them without bias, and give to each of the parties the opportunity of adequately presenting the case" [Local Govt. Board v. Arlidge, (1915) A.C. 120 (132)]. [para 16]*

**d)** Hon'ble High Court of Delhi in the case of Saketh India Limited Vs. Union of India reported in 2002 (143) E.L.T. 274 (Del.). The Hon'ble Court has observed that:

*Natural justice - Ex parte order by DGFT - EXIM Policy - Proper opportunity given to appellant to reply to show cause notice issued by Addl. DGFT and to make oral submissions, if any, but opportunity not availed by appellant - Principles of natural justice not violated by Additional DGFT in passing ex parte order - Para 2.8(c) of Export-Import Policy 1992-97 - Section 5 of Foreign Trade (Development and Regulation) Act, 1992.*

**e)** The Hon'ble CESTAT, Mumbai in the case of Gopinath Chem Tech. Ltd Vs. Commissioner of Central Excise, Ahmedabad-II reported in 2004 (171) E.L.T. 412 (Tri. - Mumbai), the Hon'ble CESTAT has observed that;

*Natural justice - Personal hearing fixed by lower authorities but not attended by appellant and reasons for not attending also not explained - Appellant cannot now demand another hearing - Principles of natural justice not violated. [para 5]*

**f).** The Hon'ble High Court of Jharkhand in W.P.(T) No. 1617 of 2023 in case of Rajeev Kumar Vs. The Principal Commissioner of Central Goods and Service Tax & The Additional Commissioner of Central GST & CX, 5A Central Revenue Building, Main Road, Ranchi pronounced on 12.09.2023 wherein Hon'ble Court has held that

*Accordingly, we are of the considered opinion that no error has been committed by the adjudicating authority in passing the impugned Order-in-Original, inasmuch as, enough opportunities were provided to the petitioner by issuing SCN and also fixing date of personal hearing for four times; but the petitioner did not respond to either of them.*

8. Having regard to the aforesaid discussions and admitted position with regard to non-submission of reply to the SCN, we failed to appreciate the contention of the petitioner that principle of natural justice has not been complied in the instant case. Since there is efficacious alternative remedy provided in the Act itself, we hold that the instant writ application is not maintainable.

9. As a result, the instant application stands dismissed. Pending I.A., if any, is also closed."

#### **DISCUSSION AND FINDINGS:**

**14.** I have carefully gone through the facts of this case. Further, after granting sufficient opportunities to be heard in person, no one came forward to claim the goods and did not appear in personal hearing as well as filed any written reply to the Show Cause Notice. The adjudication proceedings cannot wait until the Noticee(s)/Unknown Passenger/claimant/s makes it convenient to file his/their submissions and appear for the personal hearing. I therefore proceed to decide the instant case on the basis of evidences and documents available on record.

**15.** In the instant case, I find that the main issues that are to be decided is whether the Gold weighing 1867.310 grams, having Tariff Value of Rs.1,77,75,988/- (Rupees One Crore Seventy Seven Lakhs, Seventy Five Thousand Nine Hundred and Eighty Eight only) and Market Value of Rs.1,93,26,659/- (Rupees One Crore Ninety Three Lakhs Twenty Six Thousand and Six Hundred Fifty Nine only) derived from semi solid substances consisting of gold and chemical mix in two pouches wrapped with black colour tape having gross weight 2196.61 which were placed under the commode of rear toilet of the Aircraft of the said flight No. 6E-1478 which had arrived from Dubai to SVPIA Ahmedabad on 24.08.2025 and parked at Bay No. 31 Lima terminal 2 of SVPIA Ahmedabad and was seized vide Seizure Order/Memo under Panchnama proceedings both dated 24.08.2025, is liable for confiscation under Section 111 of the Customs Act, 1962 (hereinafter referred to as 'the Act') or not; whether the unknown person(s)/ passenger(s) is liable for penalty under the provisions of Section 112 of the Act.

**16.** I find that the Panchnama clearly draws out the fact that while conducted rummaging of Indigo flight no. 6E-1478 arriving from Dubai to Ahmedabad on 24.08.2025, found two black-coloured plastic wrapped pouches which were placed under the commode of rear toilet of the Aircraft of the said flight parked at Bay No. 31 Lima terminal 2 of SVPIA Ahmedabad. During the course of X-ray of the said two pouches, the Customs Officer noticed some suspicious dark colored images suspected it to be gold paste and chemical in semi solid form. The proceedings were recorded under Panchnama dated 24.08.2025 in presence of two independent panchas.

**17.** It is on the record that the government approved valuer weighed the said goods/ material and reported the weight as 2196.61 Grams. It is also on record that the Govt. Approved Valuer vide certificate no. 508/2025-26 dated 24.08.2025 certified that, gold recovered from the paste was of 24 Kt./999.0 purity, weighing 1867.310 grams having Market Value of Rs.1,93,26,659/- (Rupees One Crore Ninety Three Lakhs Twenty Six Thousand and Six Hundred Fifty Nine only) and Tariff Value of Rs.1,77,75,988/- (Rupees One Crore Seventy Seven Lakhs, Seventy Five Thousand Nine Hundred and Eighty Eight only), which were seized vide Seizure Memo/Order under Panchnama proceedings both dated 24.08.2025, in the presence of the Panchas. The details of which are as under:

Sr. No.	Details of Items	PCS	Net Weight in Grams	Purity	Market value (Rs)	Tariff Value (Rs)
1.	Gold Bars	02	1867.310	999.0/24Kt	1,93,26,659/-	1,77,75,988/-

**18.** I also find that unknown passenger(s)/ importer, has neither questioned the manner of the Panchnama proceedings nor controverted the facts detailed in the Panchnama. Every procedure conducted during the Panchnama by the Officers was well documented and made in the presence of the Panchas. It is found that the unknown passenger had concealed the said gold in semi solid paste form in two black-coloured plastic wrapped pouches while arriving from abroad and left the same under the commode of rear toilet of the Aircraft of the said flight No. 6E-1478 which had arrived from Dubai to SVPIA Ahmedabad on 24.08.2025 and parked at Bay No. 31 Lima terminal 2 of SVPIA Ahmedabad. The said derived gold bar weighing 1867.310 grams which was found in under the commode of rear toilet of the Aircraft of the said clearly indicates the intention of the unknown person/s to clear it illicitly and evade payment of Customs duty and thereby, contravening the provisions of the Customs Act, 1962 and the Rules and Regulations made under it.

**19.** I find that, the said gold bar, total weighing 1867.310 Grams having purity 999.0/24 Kt. was found concealed in two pouches wrapped with black colour tape, having gold in semi solid paste form, which was improperly imported by unknown person/s by concealment while arriving from the abroad and hide under the commode of rear toilet of the Aircraft of the said flight No. 6E-1478 which had arrived from Dubai to SVPIA Ahmedabad on 24.08.2025 and parked at Bay No. 31 Lima terminal 2 of SVPIA Ahmedabad. By such an act of improperly importation/ smuggling of gold, the unknown passenger has contravened the provisions of Para 2.26 of 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 further read in conjunction with Section 11(3) of the Customs Act, 1962 and the relevant provisions of the Baggage Rules, 2016, Customs Baggage Declaration Regulations, 2013 and Notification No. 50/2017-Customs dated 30.06.2017 as amended.

**20.** With respect to the prohibition of the goods, it is to submit that the Hon'ble Apex Court in case of M/s. Om Prakash Bhatia Vs. Commissioner of Customs Observed the following: -

“Further, Section 2(33) of the Act defines “Prohibited Goods” as under: - Prohibited goods means any goods import or export of which subject to any prohibition under this Act or any other law for time being in force but does not include any such goods in respect of which conditions subject to which the goods are to be permitted to be imported or exported have been complied with.” From the aforesaid definition, it can be stated that (a) if there is any prohibition of import or export of goods under the Act or any other law for time being in force, it would be considered to be prohibited goods; and (b) this would not include any such goods in respect of which the conditions, subject to which the goods are imported or exported, have been complied with. This would mean that if the conditions prescribed for import or export of the goods are not complied with, it would be considered to be prohibited goods. This would also be clear

from the Section 11 of Customs Act, 1962 which empowers the Central Government to prohibit either 'absolutely' or 'subject to such conditions' to be fulfilled before or after clearance, as may be specified in the Notification, the import or export of the goods of any specified description. The notification can be issued for the purpose specified in sub section (2). Hence, prohibition of importation or exportation could be subject to certain prescribed conditions to be fulfilled before after clearance of goods. If the conditions are not fulfilled, it may amount to prohibited goods. This is also made clear by this court in Sheikh Mohd. Omer vs. Collector of Customs, Calcutta and others [(1970) 2 SSC 728] wherein it was contended that the expression 'prohibited' used in Section 111 (d) of the Customs Act, 1962 must be considered as a total prohibition and the expression does not be within its fold the restriction imposed in clause (3) of import control order, 1955. The Court negated the said contention and held thus:- "... what clause (d) of Section 111 says is that any goods which are imported or attempted to be imported contrary to" any prohibition imposed by any law for the time being in force in this country is liable to be confiscated. "Any prohibition" referred to in that section applies to every type of "prohibition". That prohibition may be complete or partial. Any restriction on import or export is to an extent a prohibition. The expression "any prohibition" in section 111(d) of the Customs Act, 1962 includes restriction. Merely because section 3 of import or export (control) act, 1947 uses three different expressions 'prohibiting', 'restricting' or 'otherwise controlling', we cannot cut down the amplitude of the word "any prohibition" in Section 111(d) of Customs Act, 1962. "Any prohibition" means every prohibition. In others words, all types of prohibition. Restriction is one type of prohibition. Hence, in the instant case, Gold brought was under restriction/prohibition. Relying on the ratio of the judgment stated above, I find that the goods brought by the unknown person(s), are "Prohibited Goods" under the definition of Section 2(33) of the Customs Act, 1962.

**21.** From the facts discussed above, it is proved that all the above acts of contravention on the part of the said unknown passenger (s)/original importer have rendered the said gold weighing 1867.310 grams of 24 Kt/999.00 purity having Tariff Value of Rs.1,77,75,988 /- and Market Value of Rs. 1,93,26,659/- placed under seizure under Panchnama dated 24.08.2025, liable for confiscation under the provisions of Section 111(d), 111(l) and 111(m) of the Customs Act, 1962. By using the modus of concealment of the said bar, it is observed that the unknown passenger(s)/importer(s) was fully aware that the goods are offending in nature on its import. It is seen that the unknown passenger(s)/importer(s) has involved himself in carrying, keeping, concealing and has dealt with the impugned gold in a manner which he/they knew was liable to confiscation under the Act.

**22.** It is seen that for the purpose of customs clearance of arriving passengers, a two-channel system is adopted i.e. Green Channel for passengers not having dutiable goods and Red Channel for passengers having dutiable goods and all passengers have to ensure to file correct declaration of their baggage. I also find that the definition of "eligible passenger" is provided under Notification No. 50/2017- Customs New Delhi, the 30th June, 2017 wherein it is mentioned as - "eligible passenger" means a passenger of Indian origin or a passenger holding a valid passport, issued under the Passports Act, 1967 (15 of 1967), who is coming to India after a period of not less than six months of stay abroad; and short visits, if any, made by the eligible passenger during the aforesaid period of six months shall be ignored if the total duration of stay on such visits does not exceed thirty days. It is also observed in the instant case that the imports were also for non-bonafide purposes. Therefore, the said improperly imported gold weighing 1867.310 grams derived from semi solid paste in two black-coloured plastic wrapped pouches, brought by unknown passenger and hiding the same in under the commode of rear toilet of the Aircraft of the said flight No. 6E-1478 which had arrived from Dubai to SVPIA Ahmedabad on 24.08.2025 and parked at Bay No. 31 Lima terminal 2 of SVPIA Ahmedabad, cannot be treated as bonafide household goods or personal effects. The noticee(s)/passenger(s)/Unknown Person(s) 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.

**23.** I find that the manner of concealment, in this case clearly shows that the unknown person/passenger/s had attempted to smuggle the seized gold to avoid detection by the Customs Authorities. Further, nobody has come forward to claim the ownership on the said seized gold. Thus, the unknown person/passengers failed to discharge the burden placed on them in terms of Section 123. In view of Judgment of Supreme Court in case of Om Prakash Bhatia, it is clear that gold may not be one of the enumerated goods, as prohibited goods, still if the condition for such import are not complied with, then import of gold, would squarely fall under the definition of "Prohibited Goods". I find that it is settled by the judgment of Hon'ble Supreme Court in the case of Garg Wollen Mills (P) Ltd Vs. Additional Collector Customs, New Delhi [1998 (104) ELT 306(S.C)] that the option to release 'Prohibited goods' on redemption fine is discretionary. In the case of Raj Grow Impex (Supra), the Hon'ble Supreme Court has held that "that when it comes to discretion, the exercise thereof has to be guided by law; has to be according to the rules of reason and justice; has to be based on relevant consideration." Hon'ble Delhi High Court has, in case of Raju Sharma [2020(372) ELT 249 (Del.)] held that "Exercise of discretion by judicial, or quasi-judicial authorities, merits interferences only where the exercise is perverse or tainted by the patent illegality, or is tainted by oblique motive." Also, in the judgment the Hon'ble Delhi High Court in its order dated 21.08.23 in W.P (C) Nos. 8902/2021, 9561/2021, 13131/2022, 531/2022 & 8083/2023 held that "---- an infraction of a condition for import of goods would also fall within the ambit of Section 2(33) of the Act and thus their redemption and release would become subject to the discretionary power of Adjudicating Officer." Therefore, keeping in view the judicial pronouncement above and nature of concealment alongwith the facts of the case, ***I am therefore, not inclined to use my discretion to give an option to redeem the gold on payment of redemption fine, as envisaged under Section 125 of the Act.***

**24.** In the case of ***Samynathan Murugesan [ 2009 (247) ELT 21 (Mad)]***, the Hon'ble High Court upheld the absolute confiscation, ordered by the adjudicating authority, in similar facts and circumstances. Further, in the said case of smuggling of gold, the High Court of Madras has ruled that as the goods were prohibited and there was concealment, the Commissioner's order for absolute confiscation was upheld.

**25.** Further I find that in a case decided by the ***Hon'ble High Court of Madras reported at 2016-TIOL-1664-HC-MAD-CUS in respect of Malabar Diamond Gallery Pvt Ltd***, the Court while holding gold jewellery as prohibited goods under Section 2(33) of the Customs Act, 1962 had recorded that "restriction" also means prohibition. In Para 89 of the order, it was recorded as under;

"89. While considering a prayer for provisional release, pending adjudication, whether all the above can wholly be ignored by the authorities, enjoined with a duty, to enforce the statutory provisions, rules and notifications, in letter and spirit, in consonance with the objects and intention of the Legislature, imposing prohibitions/restrictions under the Customs Act, 1962 or under any other law, for the time being in force, we are of the view that all the authorities are bound to follow the same, wherever, prohibition or restriction is imposed, and when the word, "restriction", also means prohibition, as held by the Hon'ble Apex Court in Om Prakash Bhatia's case (cited supra)."

**26.** The ***Hon'ble High Court of Madras in the matter of Commissioner of Customs (AIR), Chennai-I Vs. P. Sinnasamy [2016 (344) E.L.T. 1154 (Mad.)]*** has held-

*Tribunal had arrogated powers of adjudicating authority by directing authority to release gold by exercising option in favour of respondent - Tribunal had overlooked*

*categorical finding of adjudicating authority that respondent had deliberately attempted to smuggle 2548.3 grams of gold, by concealing and without declaration of Customs for monetary consideration - Adjudicating authority had given reasons for confiscation of gold while allowing redemption of other goods on payment of fine - Discretion exercised by authority to deny release, is in accordance with law - Interference by Tribunal is against law and unjustified -*

*Redemption fine - Option - Confiscation of smuggled gold - Redemption cannot be allowed, as a matter of right - Discretion conferred on adjudicating authority to decide - Not open to Tribunal to issue any positive directions to adjudicating authority to exercise option in favour of redemption.*

**27.** In [2019 (370) E.L.T. 1743 (G.O.I.)], before the Government of India, Ministry of Finance, [Department of Revenue - Revisionary Authority]; Ms. Mallika Arya, Additional Secretary in Abdul Kalam Ammangod Kunhamu vide Order No. 17/2019-Cus., dated 7-10-2019 in F. No.375/06/B/2017-RA stated that it is observed that C.B.I. & C. had issued instruction vide Letter F. No. 495/5/92-Cus. VI, dated 10-5-1993 wherein it has been instructed that "in respect of gold seized for non-declaration, no option to redeem the same on redemption fine under Section 125 of the Customs Act, 1962 should be given except in very trivial cases where the adjudicating authority is satisfied that there was no concealment of the gold in question".

**28.** The Hon'ble High Court of Delhi in the matter of Rameshwar Tiwari Vs. Union of India (2024) 17 Centax 261 (Del.) has held-

*"23. There is no merit in the contention of learned counsel for the Petitioner that he was not aware of the gold. Petitioner was carrying the packet containing gold. The gold items were concealed inside two pieces of Medicine Sachets which were kept inside a Multi coloured zipper jute bag further kept in the White coloured zipper hand bag that was carried by the Petitioner. The manner of concealing the gold clearly establishes knowledge of the Petitioner that the goods were liable to be confiscated under section 111 of the Act. The Adjudicating Authority has rightly held that the manner of concealment revealed his knowledge about the prohibited nature of the goods and proved his guilt knowledge/mens-rea."*

24.....

25.....

**26.** *The Supreme Court of India in State of Maharashtra v. Natwarlal Damodardas Soni [1980] 4 SCC 669/1983 (13) E.L.T. 1620 (SC)/1979 taxmann.com 58 (SC) has held that smuggling particularly of gold, into India affects the public economy and financial stability of the country."*

**29.** Having carefully considered the facts of the present case and the judicial pronouncements referred to hereinabove, I find that the **manner of concealment** **unmistakably establishes that the unknown passenger(s)** deliberately attempted to smuggle the seized gold with the clear intent to evade detection by the Customs authorities. It is further observed that **no individual has come forward to claim ownership of the seized goods**, nor has **any documentary evidence whatsoever been produced to establish lawful acquisition or licit import of the said gold**. Consequently, the unknown passenger(s) have failed to discharge the statutory burden of proof cast upon them under Section 123 of the Customs Act, 1962.

From the Panchnama and the facts on record, it is evident that the concealment of the gold was **ingenious, premeditated, and executed with a high degree of planning**. The gold was concealed in **two pouches wrapped with black coloured tape in semi-solid paste form**, which were **strategically hidden beneath the commode of the**

**rear toilet of the aircraft**, clearly indicating an **intentional and deliberate attempt to smuggle the gold into India and evade payment of applicable customs duty**.

Accordingly, the gold weighing **1867.310 grams of 24Kt/999.0 purity**, in the form of a gold bar retrieved from **two black-coloured plastic-wrapped pouches containing gold paste**, found concealed in the commode of the rear toilet of Aircraft Flight No. 6E-1478, which arrived from **Dubai to SVP International Airport, Ahmedabad on 24.08.2025** and was parked at **Bay No. 31, Lima, Terminal-2**, is liable to absolute **confiscation**.

I therefore hold, in **clear and unequivocal terms**, that the said gold weighing **1867.310 grams of 24Kt/999.0 purity**, placed under seizure, is **liable to absolute confiscation under Sections 111(d), 111(f), 111(i), 111(j), 111(l), and 111(m) of the Customs Act, 1962**.

**30.** The act of concealing the gold, with intention to smuggle the same into India by evading Customs Duty has also rendered the unknown passenger(s)/ importer(s) or any other claimant liable for penalty under Section 112 of the Customs Act, 1962. However, since the passenger/ owner of the imported impugned gold is not known and nobody else has come forward to claim the impugned gold/ goods, therefore, I desist from imposing personal penalty under the provisions of Section 112 of the Act on unknown passenger/ person in this case.

**31.** Accordingly, I pass the following Order.

### **O R D E R**

- i. **I order absolute confiscation of 02 Gold Bar** of 24 Kt./999 purity, totally weighing **1867.310 grams**, having Market Value of **Rs.1,93,26,659/-** (Rupees One Crore Ninety Three Lakhs Twenty Six Thousand and Six Hundred Fifty Nine only) and Tariff Value of **Rs.1,77,75,988 /-** (Rupees One Crore Seventy Seven Lakhs, Seventy Five Thousand Nine Hundred and Eighty Eight only), derived from semi solid substances consisting of gold and chemical mix in two pouches wrapped with black colour tape having gross weight 2196.61 which were placed under the commode of rear toilet of the Aircraft of the said flight No. 6E-1478 which had arrived from Dubai to SVPIA Ahmedabad on 24.08.2025 and parked at Bay No. 31 Lima terminal 2 of SVPIA Ahmedabad and placed under seizure under panchnama proceedings dated 24.08.2025 and Seizure Memo Order dated 24.08.2025 under the provisions of Sections 111(d), 111(f), 111(i), 111(j), 111(l) and 111(m) of the Customs Act, 1962;
- ii. **I refrain from imposing the penalty** on unknown person(s)/passenger(s)/or other claimant under Section 112 of Customs Act, 1962.

**32.** Accordingly, the Show Cause Notice No. VIII/10-58/SVPIA-B/O&A/HQ/2024-25 dated 26.11.2025 stands disposed of.

**(Shree Ram Vishnoi)**  
**Additional Commissioner**  
**Customs Ahmedabad**

**DIN:20251271MN000000EC2C**

**F.No.: VIII/10-58/SVPIA-B/O&A/HQ/2025-26**

**Date: .12.2025.**

*F. No. VIII/ 10-58/SVPIA-B/O&A/HQ/2025-26  
OIO No.192 /ADC/SRV/O&A/HQ/2025-26*

To,

**“Whom so ever it may concern”**

- 1) To be pasted on the Notice Board of Custom House,  
Navrangpura, Ahmedabad-380009;
  
- 2) To be pasted on the Notice Board of Customs,  
SVPI Airport, Ahmedabad

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Copy to:-

1. The Principal Commissioner of Customs, Ahmedabad (Kind Attn: RRA Section)
2. The Deputy Commissioner of Customs (AIU), SVPIA, Ahmedabad.
3. The Deputy Commissioner of Customs, SVPIA, Ahmedabad.
4. The Deputy Commissioner of Customs (Task Force), Ahmedabad.
5. The System In-Charge, Customs, HQ., Ahmedabad for uploading on the official web-site i.e. <http://www.ahmedabadcustoms.gov.in>.
6. Guard File.