



प्रधान आयुक्त का कार्यालय, सीमा शुल्क ,अहमदाबाद

सीमा शुल्क भवन , "पहली मंजिल ,पुराने हाईकोर्टके सामने ,नवरंगपुरा ,अहमदाबाद – 380 009.

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PREAMBLE

A	फ़ाइल संख्या/ File No.	VIII/10-52/SVPIA-B/O&A/HQ/2025-26
B	कारण बताओ नोटिस संख्या एवं तारीख/ Show Cause Notice No. and Date	Waiver of SCN by the Pax.
C	मूल आदेश संख्या/ Order-In-Original No.	223/ADC/SRV/O&A/2025-26
D	आदेश तिथि/ Date of Order-In-Original	17.03.2026
E	जारी करने की तारीख/ Date of Issue	17.03.2026
F	द्वारा पारित/ Passed By	Shree Ram Vishnoi, Additional Commissioner, Customs, Ahmedabad
G	आयातक का नाम और पता / Name and Address of Importer / Passenger	Shri Riyaz Mahmad Sidik Khokhar, S/o Mahmad Sidik Husen Khokhar, Residing at: - H H Manzil, Bhalka Road, Shahigara Colony, Veraval, Gir Somnath, Gujarat -362265
1)	यह प्रति व्यक्ति के उपयोग के लिए निःशुल्क प्रदान किया जाता है जिन्हे यह जारी किया जाता है।	
2)	कोई भी व्यक्ति इस आदेश से स्वयं को असंतुष्ट पाता है तो वह इस आदेश के विरुद्ध अपील इस आदेश की प्राप्त किया तारीख के ६० दिनों के भीतर आयुक्त कार्यालय, सीमा शुल्क (अपील), ४वि मंजिल, हुडको भवन, ईश्वर भुवन मार्ग, नवरंगपुरा, अहमदाबाद में कर सकता है।	
3)	अपील के साथ केवल पांच (५)00 रुपये पे न्यायलय 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 साथकेवल पांच (५)00 रुपये पे न्यायलय शुल्क टिकिट लगा होना चाहिए।	
4)	इस आदेश के विरुद्ध अपील करने इच्छुक व्यक्ति को अधिकतम %५. १० करोड़ शुल्क जमा करना होगा जहां शुल्क या ड्यूटी 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, १९६२ के धरा १२९ के प्रावधानों का अनुपालन नहीं करने के लिए अपील को खारिज कर दिया जायेगा।	

BRIEF FACTS OF THE CASE:

On the basis of Suspicious activities, the passenger namely **Mr. Riyaz Mahmad Sidik Khokhar** Aged 42 years (DOB:08.06.1983), S/o Mahmad Sidik Husen Khokhar holding an Indian Passport Number No. V8666381, residing at:- H. H. Manzil, Bhalka Road, Shahigara Colony, Veraval, Gir Somnath, Gujarat -362265, who arrived from Dubai to Ahmedabad by Flight No. FZ-437 dated 08.08.2025 (Seat No. 20D) was intercepted by the officers of AIU, SVPI Airport, Ahmedabad that he was carrying gold in any form.

2. The pax Mr. Riyaz Mahmad Sidik Khokhar was questioned by the AIU officers as to whether he was carrying any contraband goods in person or in his baggage to which he denied. Not being satisfied with the reply of the passenger, the officer instructed the passenger to put his entire luggage on the X-Ray Bag Scanning Machine installed near the Green Channel at terminal-2 of SVPI Ahmedabad for scanning. During X-ray scanning of bags of the passenger, some unusual images appeared to be metallic object(s). The AIU officers then thoroughly checked all the bags and after opening them, **04 iPhone 16 Pro Max, 16 High Value Dresses, 01 Laptop recovered from the Black Colour Trolley Bag.** Thereafter, in the presence of the panchas, the AIU officer asks Shri Riyaz Mahmad Sidik Khokhar to walk through the Door Frame Metal Detector (DFMD) machine after removing all the metallic objects he is wearing on his body/clothes. Thereafter, the passenger readily removes the metallic substances from his body/clothes such as mobile, wallet, belt etc. and keep it on the tray placed on the table and after that he passes through the DFMD Machine. During this process, a beep sound/alert is generated by the metal detector machine, indicating the presence of some metallic item on the body/ clothes of the passenger. The officers again ask the passenger whether he has any metallic item hidden in his body/ clothes. To this, the passenger removes the gold chain hook from his neck, hidden under the clothes.

2.1 Thereafter, the AIU officer calls the Government Approved Valuer Shri Kartikey Vasantrai Soni and informs him that Gold Chain's Hook are recovered from a passenger and he is required to come to the office of the AIU situated at SVPI Airport, Ahmedabad for valuation and to ascertain the purity of gold chain's hook recovered from passenger. In reply, the Government Approved Valuer informs the officer that he will come at the SVPIA Airport by 10:15 am in the morning to ascertain the same.

2.2 Mr. Kartikey Vasantrai Soni, Government Approved Valuer comes at Airport at 10:15 am & officer introduces him to panchas as well as the passenger. The officers give the gold chain's hook recovered from the passenger to Govt. Valuer. After weighing the said gold chain's hook in his weighing scale, Mr. Kartikey Vasantrai Soni informs that the Gold Chain's hooks recovered from the said passenger having weighing **100.000 gms (22kt)**. Photograph of the same is as under:



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2.3 After testing the said Gold Chain’s Hook, the Government Approved Valuer vide **Certificate No. 449/2025-26 dated 08.08.2025** certifies that the Gold Chain Hook is having purity 916.0/22kt and having the **Market Value of Rs.9,60,667/- and Tariff Value of Rs.8,63,333.2/-**. The Government Approved Valuer further informs that the value of the gold chain has been calculated as per the Notification No. 49/2025-Customs (N.T.) dated 31.07.2025 (gold) and Exchange rate Notification No. 35/2024 dated 08.08.2025. Details of the valuation of gold chain recovered is tabulated in table shown below: -

Sr No.	Details Of Items	Net Weight in Gram	Purity	Market Value (Rs.)	Tariff Value (Rs)
1	Gold Chain Hook	100.00	916.0/22Kt.	9,60,667/-	8,63,333/-

The total approximate value of the all goods recovered from the said passenger is as follow:

Sr. No.	Item recovered	Quantity (grams/no.)	Rate (In Rs.)	Total Approximate Value (In Rs.)
1	Gold Chain Hooks	100.00 grams	9,606.67/-per gram	9,60,667/-
2	iPhone 16 Pro Max	04 Nos.	1,00,000/- per piece	4,00,000/-
3	Laptop	01 Nos.	1,00,000/- per piece	1,00,000/-
4	Dress material	16 Nos.	15,000/- per piece	2,40,000/-
Total Rs.				17,00,667/-

The AIU officers then took photograph of the abovesaid items. The photograph of items recovered from Mr. Riyaz Mahmad Sidik Khokhar is as under:



3. SEIZURE OF THE ABOVE GOODS:

The AIU Officers informed the panchas as well as the passenger that the above-mentioned goods approximately valued at **Rs.17,00,667/-** which were recovered from **Mr. Riyaz Mahmad Sidik Khokhar**, were attempted to be smuggled inside India with an intent to evade payment of Customs duty and it

clearly does not constitute part of a Bonafide baggage as it was in commercial quantity. Thus, the AIU officers informed that they have reasonable belief that the said 100.00 Grams Gold Chain Hook (22Kt) along with 04 iPhones 16 Pro max, 16 High Value Dresses, and 01 Laptop which were attempted to be smuggled by Mr. Riyaz Mahmad Sidik Khokhar are liable for confiscation, and since the same were in violation of the provisions of Customs Act, 1962, they are being placed under placed under Seizure vide Seizure Memo Dated 08.08.2025 under the provisions of the Section 110 of the Customs Act, 1962. Further, the Black Colour Trolley Bag and his another black colour bag also being placed under Seizure vide Seizure Memo Dated 08.08.2025 as the same were used for packing and concealment of the said goods.

4. STATEMENT OF MR. RIYAZ MAHMAD SIDIK KHOKHAR:

Statement of Mr. Riyaz Mahmad Sidik Khokhar was recorded on 08.08.2025 under the provisions of the Section 108 of the Customs Act, 1962, wherein he inter alia stated as under:

4.1 He gave his personal details like name, address, profession, family details and education etc. His monthly income is approx. Rs.10,000/-.

4.2 He stated that he went Dubai to do shopping for his cousin sister and his uncle Sh. Mohammed Hussain Khokhar gave him money for shopping of his cousin.

4.3 On being asked for his overseas travel, he stated that he had visited to abroad 03 times before but he had brought gold first time.

4.4 He have perused the Panchnama dated 08.08.2025 drawn at Arrival Hall of Terminal-2 of SVPI Airport, Ahmedabad and he stated that he has been present during the entire course of the said panchnama and he agree with the contents of the said Panchnama. In token, he put his signature on every page of the panchnama.

4.5 On being asked about the details of the person to whom he was to handover the gold smuggled by him, he stated that the gold was supposed to be handed over to his uncle Mohammed Hussain Khokhar, who had provided him money to shop for his daughter's (his cousin) marriage. His uncle told him that he would be given Rs.10,000/-, if he passes the customs area with the gold chain and other electronic items without paying customs duty.

4.6 He further stated that he had intentionally not declared the seized items, i.e. 100 grams Gold, 04 iPhone 16 Pro Max, 16 High Value Dresses, 01 Laptop before the Customs Authorities on his arrival at SVP International Airport Ahmedabad, as he wanted to clear it illicitly and evade payment of Customs Duty. He was fully aware that clearing gold without declaring before Customs, with an intent to evade payment of customs duty is an offence, under the provisions of Customs Act, 1962 and Regulations. He also did not fill any Declaration form for declaring the dutiable goods to the Customs. He agreed that he had done evasion of Customs duty on the gold chain total weighing of 100 grams and other electronic items, which was recovered from his checked in luggage.

5. SUMMATION:

The aforementioned proceedings indicates that Mr. Riyaz Mahmad Sidik Khokhar had attempted to smuggle the aforesaid seized items i.e. 100 grams Gold Chain Hooks (22Kt.), 04 iPhone 16 Pro Max, 16 High Value Dresses, 01

Laptop, which are valued at Rs.17,00,667/-, into India and are liable for confiscation under the provisions of Section 111 of the Customs Act, 1962 and therefore the same were placed under Seizure vide Seizure Memo Dated 08.08.2025 under the provisions of the Section 110(1) and Section 110(3) of the Customs Act, 1962. Further, the Black Colour Trolley Bag and his another Black Colour Bag were used for packing and concealment of the said goods, are also liable for confiscation under the provisions of Section 119 of the Customs Act, 1962 and therefore the same were also placed under Seizure vide the same Seizure Order dated 08.08.2025 issued under the Provisions of Section 110(1) and 110(3) 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, she 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 she know or has reason to believe are liable to confiscation under Section 111, shall be liable to penalty.

B. The Foreign Trade (Development and Regulation) Act, 1992;

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

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

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

C. The Customs Baggage Declarations Regulations, 2013:

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

7. CONTRAVENTION AND VIOLATION OF LAW:

It therefore appears that:

- (i) The passenger Mr. Riyaz Mahmad Sidik Khokhar had dealt with and knowingly indulged herself in the instant case of smuggling of gold and other valuable items into India by any way concerned in carrying, removing, depositing, harboring, keeping, concealing, or in any manner dealing with the said 100 grams gold, 04 iPhones 16 Pro max, 16 High

Value Dresses, and 01 Laptop which are valued at Rs.17,00,667/- (Rupees Seventeen Lakh Six Hundred Sixty Seven Only).

- (ii) The passenger indulged himself in the instant case of smuggling of gold and other valuable items with deliberate intention to evade the payment of Customs Duty and fraudulently circumventing the restrictions and prohibitions imposed under the Customs Act 1962 and other allied Acts, Rules and Regulations. Thus, the element of mensrea appears to have been established beyond doubt. Therefore, the said 100 grams gold, 04 iPhones 16 Pro max, 16 High Value Dresses, and 01 Laptop by Mr. Riyaz Mahmad Sidik Khokhar by way of concealment and without declaring it to the Customs cannot be treated as bonafide household goods or personal effects. The passenger has thus contravened the Foreign Trade Policy 2015-20 and Section 11(1) of the Foreign Trade (Development and Regulation) Act, 1992 read with Section 3(2) and 3(3) of the Foreign Trade (Development and Regulation) Act, 1992.
- (iii) By not declaring the value, quantity and description of the goods, the said passenger violated the provision of Baggage Rules, 2016, read with the Section 77 of the Customs Act, 1962 read with Regulation 3 of Customs Baggage Declaration Regulations, 2013.
- (iv) The passenger has failed to produce the purchase documents of the said gold bar and Custom duty payment documents/proof has also not been submitted by the passenger for the same.
- (v) The improperly imported 100 grams gold, 04 iPhones 16 Pro max, 16 High Value Dresses, and 01 Laptop by the passenger and without declaring it to the Customs, was thus liable for confiscation under Section 111 of the Customs Act, 1962.
- (vi) As per Section 119 of the Customs Act, 1962 any goods used for concealing smuggled goods shall also be liable for confiscation.
- (vii) Mr. Riyaz Mahmad Sidik Khokhar by him above-described acts of omission and commission on his part have rendered himself liable to penalty under Section 112 of the Customs Act, 1962.
- (viii) As per Section 123 of Customs Act 1962, the burden of proving that the 100 grams gold, 04 iPhones 16 Pro max, 16 High Value Dresses, and 01 Laptop which are valued at Rs.17,00,667/- (Rupees Seventeen Lakh Six Hundred Sixty-Seven Only), found concealed with the passenger, without declaring it to the Customs, is not smuggled goods, is upon the passenger.

8. In view of the above, **Mr. Riyaz Mahmad Sidik Khokhar** is liable for:

- (i) Confiscation of 100.00 Grams Gold Chain Hook (22Kt) along with 04 iPhones 16 Pro max, 16 High Value Dresses, and 01 Laptop which are valued at **Rs.17,00,667/-** (Rupees Seventeen Lakh Six Hundred Sixty-Seven Only) placed under seizure under panchnama proceedings dated 08.08.2025 and Seizure Memo Order dated 08.08.2025 under the provision of Section Seizure sections 111 of the Customs Act, 1962;
- (ii) the black colour trolley bag and his another black colour bag also being placed under seizure on dated 08.08.2025 as the same were used for packing and concealment of the said goods. As per Section 119 of the

Customs Act, 1962 any goods used for concealing smuggled goods shall also be liable for confiscation.

- (iii) Penalty under Sections 112 of the Customs Act, 1962, for the omissions and commissions mentioned hereinabove.

9. **PERSONAL HEARING:**

To follow the principle of natural justice, personal hearing in the matter was granted on 09.02.2026. Accordingly, Mr. Riyaz Mahmud Sidik Khokhar alongwith his Advocate & Authorized Representative Shri T G Chavda, appeared for Personal Hearing on dated 09.02.2026.

Shri T G Chavda, Advocate & Authorized Representative produces copy of Vakalatnama to represent the case and requested to appear for personal hearing in person instead of video conferencing. Mr. Riyaz Mahmud Sidik Khokhar through his letter **dated 04.09.2025** requested for waiver of SCN/Oral SCN under the provisions of Section 124 of Customs Act, 1962. Accordingly, the request for non-issuance of written Show Cause Notice was accepted in terms of the first proviso to Section 124 of the Customs Act, 1962 and accordingly, the representative of the passenger has been explained the provisions of Section 124 thoroughly regarding the provision for issuing SCN and waiver of SCN has been granted and matter is taken up for decision on merits.

During the Personal Hearing, Mr. Riyaz Mohmad Sidik Khokhar admitted that he is an illiterate person was unable to declare goods due to ignorance of Customs Rules and regulations. So, he did not declare the goods (i.e. 100.00 Gram Gold Chain Hooks, 04 Mobile iPhones, 01 laptop and 16 nos. of dresses) during the arrival at airport. He accepted that it was his mistake. He submitted that the goods he brought for his family use only. He has also produced the Bills of purchase of goods. He Requested to payment duty and penalty.

He requested to take lenient view in the matter and allow to release the seized goods i.e. 100 Grams Gold Chain Hooks, 04 iPhones 16 Pro max, 16 High Value Dresses and 01 Laptop on payment of reasonable duty, fine and penalty.

10. **DEFENCE REPLY**

The passenger Mr. Riyaz Mahmud Sidik Khokhar submitted a written submission on dated **20.02.2026** through his Advocate Shri T G Chavda. Mr. Riyaz Mahmud Sidik Khokhar vide the said submission stated that he was intercepted at Sardar Vallabhbhai Patel International Airport on 08.08.2025, and certain goods (a gold chain, four iPhone 16 Pro Max handsets, one laptop and sixteen dress materials) were seized under a Panchanama. He stated that the goods were carried bona fide for personal and family use, without any intention to smuggle or evade customs duty.

The passenger Mr. Riyaz Mahmud Sidik Khokhar has no prior offences, has submitted all purchase invoices and supporting documents, and fully cooperated during proceedings, including appearing for personal hearing on 09.02.2026. The issuance of Show Cause Notice under Section 124 of the Customs Act, 1962 was voluntarily waived to avoid delay.

The passenger Mr. Riyaz Mahmud Sidik Khokhar further requested to early passing of the order and expeditious release of the seized goods and undertakes to comply with any duty, fine, or penalty imposed in accordance with law.

Mr. Riyaz Mahmad Sidik Khokhar respectfully requested that the adjudication order be passed and communicated at the earliest. He further prayed that the seized goods be released under Section 125 of the Customs Act, 1962 upon payment of applicable duty, if any, and on imposition of the minimum possible redemption fine.

Mr. Riyaz Mahmad Sidik Khokhar also seeks imposition of penalty, if any, at the lowest permissible level in view of absence of mens rea, submission of purchase bills, clean antecedents, and full cooperation during proceedings. He also requested to take a lenient and equitable view in the interest of justice.

He, further assures continued full cooperation in all further proceedings.

DISCUSSION & FINDINGS:

11. I have carefully gone through the facts of this case and find that the Passenger has submitted written reply and appeared in personal hearing. I therefore proceed to decide the instant case on the basis of evidences and documents available, written reply of passenger and record of personal hearing. I find that the passenger has requested for waiver of Show Cause Notice. The request for non-issuance of written Show Cause Notice is accepted in terms of the first proviso to Section 124 of the Customs Act, 1962 and accordingly, the matter is taken up for decision on merits.

12. In the instant case, I find that the main issues that are to be decided is whether:

- (i) the **100.00 Grams Gold Chain Hooks (22Kt) along with 04 iPhones 16 Pro max, 16 High Value Dresses and 01 Laptop**, which are valued at **Rs.17,00,667/-**(Rupees Seventeen Lakh Six Hundred Sixty-Seven Only), recovered from the passenger **Mr. Riyaz Mahmad Sidik Khokhar**, when he was arrived from Dubai to Ahmedabad by Flight No. FZ-437 on dated 08.08.2025, which were seized vide Seizure Order/ Memo under Panchnama proceedings both dated 08.08.2025 on the reasonable belief that the said goods were smuggled into India, are liable for confiscation under the provisions of Section 111 of the Customs Act, 1962 or not;
- (ii) the **Black Colour Trolley Bag** and his another **Black Colour Bag** which were seized vide Seizure Order/ Memo under Panchnama proceedings both dated 08.08.2025 on the reasonable belief that the same were used for packing and concealment of the said goods, are liable for confiscation under the provisions of Section 119 of the Customs Act, 1962 or not;
- (iii) the passenger **Mr. Riyaz Mahmad Sidik Khokhar** is liable for penalty under the provisions of Section 112 of the Customs Act, 1962 or not.

13. I find that the Panchnama clearly draws out the fact that the passenger was intercepted by the officers of Air Intelligence Unit, SVPIA Ahmedabad when he arrived at Arrival Hall of Terminal-2 of SVPI Airport when he was about to exit through the green channel. The passenger was questioned by the AIU officers as to whether he was carrying any contraband/ dutiable goods in person or in his baggage to which he denied. Not being satisfied with the reply of the passenger, the officer instructed the passenger to put his entire luggage on the X-Ray Bag Scanning Machine installed near the Green Channel at Terminal-2 of SVPI

Ahmedabad for scanning. During X-ray scanning of bags of the passenger, some unusual images appeared to be metallic object(s). The AIU officers then thoroughly checked all the bags and after opening them, **04 iPhone 16 Pro Max, 16 High Value Dresses, 01 Laptop recovered from the Black Colour Trolley Bag.** Thereafter, in the presence of the panchas, the AIU officer asks Shri Riyaz Mahmad Sidik Khokhar to walk through the Door Frame Metal Detector (DFMD) machine after removing all the metallic objects he is wearing on his body/clothes. Thereafter, the passenger readily removes the metallic substances from his body/clothes such as mobile, wallet, belt etc. and keep it on the tray placed on the table and after that he passes through the DFMD Machine. During this process, a beep sound/alert is generated by the metal detector machine, indicating the presence of some metallic item on the body/ clothes of the passenger. The officers again ask the passenger whether he has any metallic item hidden in his body/ clothes. To this, the passenger removes the gold chain hook from his neck, hidden under the clothes. **The said 100.00 Grams Gold Chain Hooks (22Kt) along with 04 iPhones 16 Pro max, 16 High Value Dresses and 01 Laptop, were seized vide Seizure Memo/ Order under Panchnama proceedings both dated 08.08.2025, in the presence of the passenger and Panchas.**

14. I also find that the passenger had neither questioned the manner of the Panchnama proceedings at the material time nor controverted the facts detailed in the Panchnama during the course of recording his statement. Every procedure conducted during the Panchnama by the Officers was well documented and made in the presence of the panchas as well as the passenger. In fact, in his statement, which was recorded on 08.08.2025 under Section 108 of the Customs Act, 1962, wherein he stated that he earns approximately Rs.10,000/- per month and had travelled to Dubai for shopping for his cousin's marriage with money provided by his uncle, Mohammed Hussain Khokhar. He admitted that although he had travelled abroad three times earlier, this was the first time he had brought gold into India. He confirmed that he was present during the Panchnama proceedings at Sardar Vallabhbhai Patel International Airport, Ahmedabad, and agreed with its contents. He further admitted that he was to hand over the 100 grams of gold and other items, including four iPhone 16 Pro Max mobile phones, sixteen high-value dresses, and one laptop, to his uncle, who had promised him Rs.10,000/- for successfully clearing the goods without payment of customs duty. He voluntarily acknowledged that he had intentionally failed to declare the seized goods before Customs authorities with the intent to evade payment of duty, fully aware that such non-declaration constitutes an offence under the Customs Act, 1962. He has admitted that he had kept the said **100.00 Grams Gold Chain Hooks (22Kt) along with 04 iPhones 16 Pro max, 16 High Value Dresses and 01 Laptop**, concealed in the baggage and not declared the same on his arrival before the Customs with an intent to clear them illicitly and evade payment of Customs duty and thereby, violated provisions of Customs Act, the Baggage Rules, the Foreign Trade (Development Regulations) Act, 1992, the Foreign Trade (Development & Regulations) Rules, 1993 and the Foreign Trade Policy 2015-2020.

15. Further, the passenger has accepted that, he had not declared the said **100.00 Grams Gold Chain Hooks (22Kt) along with 04 iPhones 16 Pro max, 16 High Value Dresses and 01 Laptop** placed in his baggage on his arrival to the Customs Authorities. It is clear case of non-declaration with an intent to smuggle the said 100.00 Grams Gold Chain Hooks (22Kt) along with 04 iPhones 16 Pro max, 16 High Value Dresses and 01 Laptop. Accordingly, there is sufficient evidence to say that, the passenger had kept the said 100.00 Grams

Gold Chain Hooks (22Kt) along with 04 iPhones 16 Pro max, 16 High Value Dresses and 01 Laptop, which were in his possession and failed to declare the same before the Customs Authorities on his arrival at SVPIA, Ahmedabad. The case of smuggling of said 100.00 Grams Gold Chain Hooks (22Kt) along with 04 iPhones 16 Pro max, 16 High Value Dresses and 01 Laptop, recovered from his possession and which were kept undeclared with an intent to smuggle the same and in order to evade payment of Customs duty is conclusively proved. Thus, it is proved that passenger violated Section 77, Section 79 of the Customs Act, 1962 for import/ smuggling of said 100.00 Grams Gold Chain Hooks (22Kt) along with 04 iPhones 16 Pro max, 16 High Value Dresses and 01 Laptop which were not for bonafide use and thereby violated Rule 11 of the Foreign Trade Regulation Rules 1993, and para 2.26 of the Foreign Trade Policy 2015-20.

16. From the facts discussed above, it is evident that Mr. Riyaz Mahmad Sidik Khokhar had carried **100.00 Grams Gold Chain Hooks (22Kt) along with 04 iPhones 16 Pro max, 16 High Value Dresses and 01 Laptop** from Dubai to Ahmedabad, with an intention to smuggle and remove the same without payment of Customs duty. Thereby rendering the 100.00 Grams Gold Chain Hooks (22Kt) along with 04 iPhones 16 Pro max, 16 High Value Dresses and 01 Laptop which are valued at Rs.17,00,667/- (Rupees Seventeen Lakh Six Hundred Sixty-Seven Only), liable for confiscation, under the provisions of Sections 111(d), 111(f), 111(i), 111(j), 111(l) and 111(m) of the Customs Act, 1962. By carrying these 100.00 Grams Gold Chain Hooks (22Kt) along with 04 iPhones 16 Pro max, 16 High Value Dresses and 01 Laptop concealed in the baggage and not declaring the same before the Customs, it is established that the passenger had a clear intention to smuggle the said 100.00 Grams Gold Chain Hooks (22Kt) along with 04 iPhones 16 Pro max, 16 High Value Dresses and 01 Laptop clandestinely with the deliberate intention to evade payment of Customs duty. The commission of above Act made the impugned goods fall within the ambit of 'smuggling' as defined under Section 2(39) of the Act.

17. It is seen that the Passenger had not filed the baggage declaration form and had not declared the **100.00 Grams Gold Chain Hooks (22Kt) along with 04 iPhones 16 Pro max, 16 High Value Dresses and 01 Laptop** which were concealed in his clothes and bags, as envisaged under Section 77 of the Act read with the Baggage Rules and Regulation 3 of Customs Baggage Declaration Regulations, 2013. The Passenger said that the said goods carried for personal use of his family and friends. It is observed that such commercial quantity of 100.00 Grams Gold Chain Hooks (22Kt) along with 04 iPhones 16 Pro max, 16 High Value Dresses and 01 Laptop carried by the Passenger and intentionally not declared the same on his arrival at the Airport in India were liable to confiscation under the Act.

17.1 It, is therefore, proved that by the above acts of contravention, the Passenger has rendered the said **100.00 Grams Gold Chain Hooks (22Kt) along with 04 iPhones 16 Pro max, 16 High Value Dresses and 01 Laptop** totally valued at **Rs.17,00,667/-** (Rupees Seventeen Lakh Six Hundred Sixty-Seven Only) seized vide Seizure Memo/ Order under the Panchnama proceedings both dated 08.08.2025 are liable to confiscation, under the provisions of Sections 111(d), 111(f), 111(i), 111(j), 111(l) and 111(m) of the Customs Act, 1962. By using the modus of placing the said 100.00 Grams Gold Chain Hooks (22Kt) along with 04 iPhones 16 Pro max, 16 High Value Dresses and 01 Laptop totally valued at Rs.17,00,667/- (Rupees Seventeen Lakh Six Hundred Sixty-Seven Only) in his baggage, it is observed that the passenger was fully aware that the import of said goods is offending in nature. It is, therefore, very clear

that he has knowingly carried such commercial quantity of 100.00 Grams Gold Chain Hooks (22Kt) along with 04 iPhones 16 Pro max, 16 High Value Dresses and 01 Laptop and intentionally not declared the same on his arrival at the Airport. It is seen that he has involved himself in carrying, keeping, concealing and dealing with the impugned goods in a manner which he knew or had reasons to believe that the same were liable to confiscation under the Act. It, is therefore, proved beyond doubt that the passenger/ passenger has committed an offence of the nature described in Section 112 of Customs Act, 1962 making him liable for penalty under Section 112 of the Customs Act, 1962.

18. Given the facts of the present case before me, the 100.00 Grams Gold Chain Hooks (22Kt) along with 04 iPhones 16 Pro max, 16 High Value Dresses and 01 Laptop totally valued at Rs.17,00,667/- (Rupees Seventeen Lakh Six Hundred Sixty-Seven Only) recovered from the said passenger, that was kept undeclared and placed under seizure would be liable to confiscation under Section 111(d), 111(f), 111(i), 111(j), 111(l) & 111(m) of the Customs Act, 1962. I find that the passenger such commercial quantity of 100.00 Grams Gold Chain Hooks (22Kt) along with 04 iPhones 16 Pro max, 16 High Value Dresses and 01 Laptop brought for personal use of his family and not carried on behalf of some other person with a profit motive and intentionally not declared the same on his arrival at the Airport. It is seen that he has involved himself in carrying, keeping, concealing and dealing with the impugned goods in a manner which he knew or had reasons to believe that the same were liable to confiscation under the Act.

19. I further find that the passenger had involved himself and abetted the act of carrying the 100.00 Grams Gold Chain Hooks (22Kt) along with 04 iPhones 16 Pro max, 16 High Value Dresses and 01 Laptop by placing in baggage. He has agreed and admitted in the statement recorded that he travelled with these items from Dubai to Ahmadabad. Despite his knowledge and belief that the 100.00 Grams Gold Chain Hooks (22Kt) along with 04 iPhones 16 Pro max, 16 High Value Dresses and 01 Laptop carried and undeclared by him is an offence under the provisions of the Customs Act, 1962 and the Regulations made under it, the passenger attempted to clear the said items without making any declaration. The passenger in his statement dated 08.08.2025 stated that he did not declare the impugned the 100.00 Grams Gold Chain Hooks (22Kt) along with 04 iPhones 16 Pro max, 16 High Value Dresses and 01 Laptop as he wanted to clear the same illicitly and evade the Customs Duty. Thus, it is clear that the passenger has actively involved himself in carrying, removing, keeping, concealing and dealing with the 100.00 Grams Gold Chain Hooks (22Kt) along with 04 iPhones 16 Pro max, 16 High Value Dresses and 01 Laptop which he knows very well and has reason to believe that the same are liable for confiscation under Section 111 of the Customs Act, 1962. Therefore, I find that the passenger is liable for penal action under provisions of Sections 112 of the Act and I hold accordingly.

20. I also mention here that, CBIC Circular No: 495/5/92-Cus.VI dated 10.05.1993 talks about concealment of goods in order to smuggle it into India. So, I find that ingenious concealment is one of the important aspects of deciding on redemption/ non-redemption of the goods, I proceed to decide the issue.

21. In view of the above discussions, I hold that the 100.00 Grams Gold Chain Hooks (22Kt) along with 04 iPhones 16 Pro max, 16 High Value Dresses and 01 Laptop recovered from the passenger are liable for confiscation. However, since the impugned 100.00 Grams Gold Chain Hooks (22Kt) along with 04 iPhones 16 Pro max, 16 High Value Dresses and 01 Laptop carried by the passenger in commercial quantity. The passenger has purchased the 04 iPhones 16 Pro max and 01

Laptop from JADEED ALQUDRA TRADING LLC, Dubai, UAE, vide Invoice No. 01326 dated 05.08.2025. He purchased the 16 High Value Dresses from Dubai vide Invoice No. 04269 dated 07.08.2025. He also purchased the 100 Grams of Gold Chain Hooks from GOLD POINT JEWELLARS LLP, Dubai vide Invoice dated 05.08.2025. He has produced the copies of purchase Invoices alongwith his letter **dated 04.09.2025** and also mentioned during the personal hearing.

22. Further the passenger has concealed the 100.00 Grams Gold Chain Hooks (22Kt) along with 04 iPhones 16 Pro max, 16 High Value Dresses and 01 Laptop in his clothes/ baggage, which is termed as an ingenious concealment. But I use my discretion to give an option to redeem the impugned seized 100.00 Grams Gold Chain Hooks (22Kt) along with 04 iPhones 16 Pro max, 16 High Value Dresses and 01 Laptop on payment of a Redemption Fine, as provided under Section 125 of the Act.

23. I would like to record it here that the passenger had not filed any declaration which he was required to file when he disembarked at Ahmedabad Airport and thereby violated provisions of Section 77 of the Customs Act, 1962 read with Customs Baggage Declaration regulation, 2013. The act of passenger amounted to "smuggling" as defined in Section 2(39) of the Customs Act, 1962. **Commercial quantity of 04 iPhones 16 Pro max, 16 High Value Dresses and 01 Laptop alongwith 100.00 Grams Gold Chain Hooks (22Kt)**, thus smuggled is liable to confiscation in terms of Section 111(d), 111(f), 111(i), 111(j), 111(l) & 111(m) of the Customs Act, 1962. However, as I have recorded herein above, I am in favour of using my discretion to release it on payment of Redemption Fine.

24. I find that this issue of redemption of goods has travelled through various appellate fora. I find that in the following cases, Hon'ble Supreme Courts, High Courts, the appellate fora allowed redemption of seized goods;

- i. Sapna Sanjeev Kohli vs. Commissioner-2010(253) E.L.T. A52(S.C.)
- ii. Union of India vs. Dhanak M Ramji-2010(252) E.L.T. Al 02(S.C.)
- iii. Shaikh Jamal Basha vs. G.O.I.-1997(91) E.L.T.277(A.P.)
- iv. Commissioner of Cust. & C. Ex. Nagpur-1 Vs. Mohd. Ashraf Armar-2019(369) E.L.T. 1654 (Tri. Mumbai)
- v. R. P. Sharma., Additional Secretary in RE Ashok Kumar Verma 2019(369) E.L.T. 1677 (G. O. 1.)
- vi. Suresh Bhosle Vs. Commissioner of Customs (Rev.) Kolkatta- 2009(246) E.L.T. 77(Cal.)
- vii. T. Elavarasan Versus Commissioner of Customs (Airport), Chennai reported 2011 (266) E.L.T. 167 (Mad.)

25. I find that when there are judgements favoring redemption, there are contra judgement which provide for absolute confiscation of seized goods attempted to be smuggled into India as follows;

- i. Abdul Razak vs., U. O. 1. - 2012(275) E.L.T. 300 (Ken) maintained by Hon'ble Supreme Court - 2017(350) E.L.T. Al 73(SC)

26. I further find that ingenious concealment is one of the important aspects for deciding on the redemption/ non-redemption of the goods.

Further, while deciding the case, the CBIC Circular/Instruction F. No: 275/17/2015-CX. 8A dated 11.03.2015 is also looked into, which emphasized that Judicial discipline should be followed while deciding pending show cause notices/ appeals.

27. I find that, the option to redemption has been granted and absolute confiscation is set-a-side vide order No.12/2021-CUS(WZ)/ASAR dated 18.01.2021 by the Revision authority, GOI issued under F. No: 371/44/B/2015-RA/785 dated 29.01.2021. Similar view was taken by Revision Authority vide Order No. 287/2022-Cus (WZ)/ASAR/Mumbai dated 10.10.2022 Order No. 245/2021-Cus (WZ)/ASAR dated 29.09.2021 issued under F. No: 371/44/B/15-RA/2020 dated 06.10.2021 and Order No. 314/2022-Cus (WZ)/Asar/Mumbai dated 31.10.2022 issued from F. No: 371/273/B/WZ/2018 dated 03.11.2022. All the above mentioned 3 orders of RA has been accepted by the department.

28. I further find that the Hon'ble High Court of Delhi in a recent judgement dated 21.08.2023 in the case of Nidhi Kapoor and others, in para 156 of its order observed that —

"The Court holds 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 the Adjudicating Officer. For reasons aforesaid, the Court finds no illegality in the individual orders passed by the Adjudicating Officer and which were impugned in these writ petitions. "

29. I find that the seized commercial quantity of 04 iPhones 16 Pro max, 16 High Value Dresses and 01 Laptop alongwith 100.00 Grams Gold Chain Hooks (22Kt) were concealed under the clothes/ baggage to be considered as an ingenious concealment. Further, the ownership of the seized 100.00 Grams Gold Chain Hooks (22Kt), 04 iPhones 16 Pro max, 16 High Value Dresses and 01 Laptop by Mr. Riyaz Mahmad Sidik Khokhar cannot be denied, as he claims ownership of seized goods during the course of personal hearing held on 09.02.2026. Looking to the facts, I am of the considered opinion that under section 125 of the Customs Act, 1962, the option for redemption can be granted.

30. I further find that the value of the said goods in purchase invoices provided by the pax for the 04 iPhones 16 Pro max and 01 Laptop purchased from JADEED ALQUDRA TRADING LLC, Dubai, UAE, vide Invoice No. 01326 dated 05.08.2025 and invoice for 16 High Value Dresses purchased from Dubai vide Invoice No. 04269 dated 07.08.2025 and invoice for 100.00 Grams Gold Chain Hooks (22Kt) from Gold Point Jewelers, Dubai seems not genuine. Therefore, the value of the said goods was obtained on the basis of preliminary market enquiry, price, make, model etc. and obtained from the website of the Apple Company. I find that the passenger was unable to produce any relevant documents viz. purchase invoice at the time of interception and as per the Customs Valuation Rules, the assessment needs to be done as per the methods prescribed under the Valuation Rules, 2007 and accordingly, the value of the said 100.00 Grams Gold Chain Hooks (22Kt), 04 iPhones 16 Pro max, 16 High Value Dresses and 01 Laptop were obtained on the basis of preliminary market enquiry, price, make, model etc. and obtained from the website of the Apple Company. Accordingly, Customs duty is to be calculated on the said assessable value as per following table: -

Sr. No.	Item recovered	Quantity (grams/no.)	Rate (In Rs.)	Total Approximate Value (In Rs.)
1	Gold Chain Hooks	100.00 grams	9,606.67/-per gram	9,60,667/-
2	iPhone 16 Pro Max	04 Nos.	1,00,000/- per piece	4,00,000/-
3	Laptop	01 Nos.	1,00,000/- per piece	1,00,000/-
4	Dress material	16 Nos.	15,000/- per piece	2,40,000/-
Total				17,00,667/-

Accordingly, I give an option to the passenger, Mr. Riyaz Mahmad Sidik Khokhar, under Section 125(1) of the Act to redeem the 100.00 Grams Gold Chain Hooks (22Kt), 04 iPhones 16 Pro max, 16 High Value Dresses and 01 Laptop on payment of a redemption fine in lieu of confiscation.

Further, the Black Colour Trolley Bag and another Black Colour Bag used for packing and concealing the smuggled 100.00 Grams Gold Chain Hooks (22Kt) along with 04 iPhones 16 Pro max, 01 Laptop and 16 High Value Dresses, are also held to be liable to confiscation under Section 119 of the Customs Act, 1962.

31. In regard to imposition of penalty under Section 112 of Customs Act, 1962, I find that in the instant case, the principle of mens-rea is established beyond doubt on the basis of documents available on the records and discussion. Accordingly, on deciding the penalty in the instant case, I also take into consideration the observations of Hon'ble Apex Court laid down in the judgment of M/s. Hindustan Steel Ltd Vs. State of Orissa; wherein the Hon'ble Apex Court observed that "The discretion to impose a penalty must be exercised judicially. A penalty will ordinarily be imposed in case where the party acts deliberately in defiance of law, or is guilty of contumacious or dishonest conduct or act in conscious disregard of its obligation; but not in cases where there is technical or venial breach of the provisions of Act or where the breach flows from a bona fide belief that the offender is not liable to act in the manner prescribed by the Statute". Despite his knowledge and belief that the gold carried by him is an offence under the provisions of the Customs Act, 1962 and the Regulations made under it, the noticee attempted to smuggle the said 100.00 Grams Gold Chain Hooks (22Kt) along with 04 iPhones 16 Pro max, 01 Laptop and 16 High Value Dresses by concealment. Thus, it is clear that the noticee has concerned himself with carrying, removing, keeping, concealing and dealing with the smuggled gold which he knows very well and has reason to believe that the same is liable for confiscation under Section 111 of the Customs Act, 1962. Bringing into India goods which contravene the provisions of Customs Act and omitting to declare the same under Section 77 of the Customs Act, 1962 are clearly covered under "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" and covered under Section 112(a) of the Customs Act, 1962 and Carrying/smuggling goods in an ingeniously concealed manner is clearly covered under Section 112(b) of the Customs Act, 1962. Therefore, I find that the noticee is liable for the penalty under Section 112(a) & 112(b) of the Customs Act, 1962 and I hold accordingly.

32. Accordingly, given my above findings, I pass the following Order:

ORDER

- i.** I order confiscation of the impugned the 100 Grams Gold Chain Hooks having purity 916.0/22Kt and having total Market Value of Rs.9,60,667/- (Rupees Nine Lakhs Sixty Thousand Six Hundred Sixty-Seven Only) and Tariff Value of Rs.8,63,333/- (Rupees Eight Lakhs Sixty-Three Thousand Three Hundred Thirty-Three Only) and 04 iPhones 16 Pro max, 01 Laptop and 16 High Value Dresses, having total Market Value of Rs.7,40,000/- (Rupees Seven Lakhs Fourty Thousand Only) which were concealed by the passenger, Mr. Riyaz Mahmad Sidik Khokhar, Mr. Riyaz Mahmad Sidik Khokhar, placed seized vide Seizure Order/ Memo under Panchnama Proceedings both dated 08.08.2025 under the provisions of Section 111(d), 111(f), 111(i), 111(j), 111(l) and 111(m) of the Customs Act, 1962; **I give an**

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option to Mr. Riyaz Mahmud Sidik Khokhar to redeem the 100 Grams Gold Chain Hooks having purity 916.0/22Kt and having total Market Value of Rs.9,60,667/- **on payment of Redemption Fine of Rs1,50,000/-** (Rupees One Lakh Fifty Thousand Only) under Section 125(1) of the Customs Act, 1962 and to redeem **the impugned 04 iPhones 16 Pro max, 01 Laptop and 16 High Value Dresses**, having total Market Value of Rs.7,40,000/-, **on payment of Redemption Fine of Rs1,00,000/-** (Rupees One Lakh Only) under the provisions of Section 125(1) of the Customs Act, 1962. **In addition to redemption fine, the passenger would be liable for payment of applicable duties and other levies/charges in terms of Section 125(2) of the Customs act, 1962;**

- ii. **I order confiscation of the Black Colour Trolley Bag** and his another **Black Colour Bag**, were used for packing and concealment of the said goods, seized vide Seizure Order/ Memo under Panchnama proceedings both dated 08.08.2025 under the provisions of Section 118(a) and 119 of the Customs Act, 1962; **I give an option to Mr. Riyaz Mahmud Sidik Khokhar to redeem the Black Colour Trolley Bag and his another Black Colour Bag**, on payment of redemption fine of **Rs.5,000/- (Rupees Five Thousand Only)** under Section 125(1) of the Customs Act, 1962.
- iii. I impose a penalty of **Rs1,00,000/- (Rupees One Lakh Only)** on **Mr. Riyaz Mahmud Sidik Khokhar** under the provisions of Section 112(a) & Section 112(b) of the Customs Act 1962.

33. This order is issued without prejudice to any other action that may be taken against the passenger/ Passenger or any other person(s) concerned with said goods under the Customs Act, 1962, or any other law for the time being in force in India.

(Shree Ram Vishnoi)
Additional Commissioner
Customs, Ahmedabad

DIN:20260371MN000091919A

F. No. VIII/10-52/SVPIA-B/O&A/HQ/2025-26

Date:17.03.2026

By Speed Post A.D.

To,

Shri Riyaz Mahmud Sidik Khokhar,
S/o Mahmud Sidik Husen Khokhar,
Residing at: - H H Manzil, Bhalka Road,
Shahigara Colony, Veraval, Gir Somnath, Gujarat -362265

Copy to:

- (i) The Principal Commissioner of Customs, Ahmedabad. (Kind Attn: RRA Section).
- (ii) The Dy./Asstt. Commissioner of Customs (AIU), SVPIA, Ahmedabad.
- (iii) The Dy./Asstt. Commissioner of Customs (TRC), Ahmedabad.
- (iv) The System In charge, Customs HQ, Ahmedabad for uploading on official web-site i.e. <http://www.ahmedabadcustoms.gov.in>.
- (v) Guard File.