



प्रधानआयुक्तकाकार्यालय, सीमाशुल्क, अहमदाबाद
 "सीमाशुल्कभवन", पहलीमंजिल, पुरानेहाईकोर्टकेसामने, नवरंगपुरा, अहमदाबाद - 380 009.
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PREAMBLE

A	फाइलसंख्या / File No.	:	F. No. VIII/10-41/SVPIA/O&A/ HQ/ 2020-21
B	कारणबताओनोटिस संख्या तारीख- / Show Cause Notice No. and Date	:	F. No. VIII/10-41/SVPIA/O&A/HQ/2020-21 dated 30.07.2020
C	मूलआदेशसंख्या / Order-In-Original No.	:	19/JC/AKM/O&A/2021-22
D	आदेशतिथि / Date of Order-In-Original	:	27.05.2021
E	जारीकरनेकीतारीख / Date of Issue	:	27.05.2021
F	द्वारापारित / Passed By	:	AMIT KUMAR MISHRA, Joint Commissioner, Customs, Ahmedabad.
G	आयातककानामऔरपता / Name and Address of Importer / Noticee	:	Mr. Denny Kunhappan, S/o Shri P J Kunhappan, Puthan Purakkal House, Ayiramkolly, Ambalavayal, P. O. Wayanad, Kerala-673593
(1)	यहप्रतिव्यक्तिकेउपयोगकेलिएनिः शुल्कप्रदानकियाजाताहैजिन्हेंयहजारीकियाजाताहै।		
(2)	कोईभीव्यक्तिइसआदेशसेस्वयंकोअसंतुष्टपाताहैतोवहइसआदेशकेविरुद्धअपीलइसआदेशकीप्राप्तिकीतारीखके दिनोंकेभीतरआयुक्तकाकार्यालय, सीमाशुल्क (अपील), 7 वींमंजिल, मृदुलटॉवर, टाइम्सऑफइंडिया, आश्रमरोड, नवरंगपुरा, अहमदाबाद - 380009 मेंकरसकताहै।		
(3)	अपीलकेसाथकेवलपाँचरुपये (5.00 रुपये) केन्यायालयशुल्कटिकटलगाहोनाचाहिए, औरइसकेसाथहोनाचाहिए :		
(i)	अपीलकीएकप्रतिऔर		
(ii)	इसप्रतियाइसआदेशकीकोईप्रतिकेसाथकेवलपाँचरुपये (5.00 रुपये) केन्यायालयशुल्कटिकटलगाहोनाचाहिए।		
(4)	इसआदेशकेविरुद्धअपीलकरनेकेइच्छुकव्यक्तिको 7.5% (अधिकतम 10 करोड़रुपये) शुल्कजमाकरनाहोगा, जहांशुल्कयाड्यूटीऔरजुर्मानाविवादमेंहैं, याजुर्माना, जहांइसतरहकीदंडविवादमेंहैऔरअपीलकेसाथइसतरहकेभुगतानकाप्रमाणपेशकरनेमेंअसफलरहनेपर, सीमाशुल्कअधिनियम, 1962 केधारा 129 केप्रावधानोंकाअनुपालनकरनेकेलिएअपीलकोखारिजकरदियाजाएगा।		

Brief facts of the case:-

Mr. Denny Kunhappan(hereinafter also referred as "the Passenger"), holding an Indian Passport No.T2640544had arrived at Terminal-2, SVPI Airport, Ahmedabad from Bangkok by Spicejet Flight No.SG-86 dated 08.02.2020.

2. On the basis of suspicious movement, he was intercepted by the officers of Customs for detailed checking after he opted for clearance through green channel. He was inquired whether he was having any contraband/ dutiable items to declare before Customs, in response to which he replied in negative. The said passenger had not submitted any Customs Declaration Form. Thereafter, all his baggages were subjected to X-Ray screening at the X-Ray Screening machine but nothing objectionable was found. Thereafter, the passenger was asked to walk through the Door Frame Metal Detector ("DFMD") after removing all the metallic objects wearing on the body by Customs authorities. The passenger readily removed all metallic items and passed through a DFMD, when he passed through DFMD, a loud beep sound was heard in the middle portion of the DFMD. The Customs authorities politely asked the passenger whether he had any metallic substance on his body, however the passenger denied again. The Customs authorities asked the passenger to again pass through the DFMD and while he passed through the DFMD again, a loud beep sound was heard in the middle part of the DFMD. Further on personal search of his clothes, nothing was recovered. On suspicion that the passenger has concealed some metallic substance in his body, he (the passenger) was brought in the AIU office at Terminal-2 of SVPI Airport and was interrogated in a polite way by Customs authorities, but the passenger continued to deny of having concealed any metallic substance inside his body. Thereafter on further and repeated interrogation, the passenger finally confessed that he had concealed some gold in his rectum and after sometime he was taken to toilet room where he removed five packets (in Cylindrical shape) from his rectum. Thereafter, the officer of Customs asked the passenger to cut the said five packets recovered from his rectum and to open and show it. Thereafter, the passenger used a knife to cut the five packets and after removing the adhesive tape from each packet, it was seen that a plastic pouch each containing brown colouredpaste was found in it. The officer of Customs asked the passenger as to what was inside the five packets of brown coloured paste recovered from his possession, to which the passenger informed that the same was gold in semi solid paste which was concealed in his rectum for the purpose of carrying and concealing the material so that the same remains invisible to Customs authorities.