

Finance Act, 2012, (Central)

Section 121 - Insertion of New Section 104a

After section 104 of the Customs Act, the following section shall be inserted, namely:--

"104A. Bail for offence punishable for a term of imprisonment of three years or more under section 135 not to be granted without hearing public prosecutor.--

(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973(2 of 1974), no person accused of an offence punishable for a term of imprisonment of three years or more under section 135 shall be released on bail or on his own bond unless--

- (i) the public prosecutor has been given an opportunity to oppose the application for such release; and
- (ii) where the public prosecutor opposes the application, the Magistrate is satisfied that there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail:

Provided that a person who is under the age of eighteen years or is a woman or is sick or infirm, may be released on bail if the Magistrate so directs.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973(2 of 1974), no police officer shall, save as otherwise provided under this Act, investigate into an offence under this Act unless specifically authorised by the Central Government by a general or special order, and subject to such conditions as may be specified in the order."