

Mugensh. M Vs Union of india The State Rep by the Superintendent of Customs

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Court : Chennai Orders

Decided On : Mar-30-2026

Judge : Honourable Mr.Justice C.Kumarappan

Appeal No. : CRL OP/7527/2026

Appellant : Mugensh. M

Respondent : Union of india The State Rep by the Superintendent of Customs

Judgement :

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-03-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN Mugensh. M S/o. LeelaRam, 1st Street, Ernavoor, kattivakkam, Thiruvallur - 600057. ..Petitioner(s) Vs Union of India represented by The Superintendent of Customs Prosecution Unit-Airport, New Custom House, Meenambakkam, Chennai-600027. ..Respondent(s) PRAYER: The Criminal Original Petition has been filed under Section 483 of B.N.S.S.

praying to release the petitioner on bail in OS.No.92/2026-AIU-B and OS.No.07/2026-INT-AIR. For Petitioner(s): Ms.Sathiyapriya For Respondent(s): Mr.N.P. Kumar, Special Public Prosecutor.

ORDER

The petitioner, who was arrested and remanded to judicial custody on 11.02.2026 for the alleged offences under Section 51(1) of Wild Life Protection Act and Section 135 of Customs Act in OS.No.92/2026-AIU-B and OS.No.07/2026-INT-AIR on the file of the respondent police, seeks bail. Page1 of 5

2. The case of the prosecution is that on 10.02.2026, while the petitioner

/ accused had arrived at Anna International Airport, Chennai from Bangkok by Thai Airways, he was intercepted and examined and it was found that 31 Nos. of live exotic wild life species were concealed inside a cream coloured electric hotpot and a black speaker placed within a blue trolley suitcase and hence the case.

3. The learned counsel for the petitioner would submit that the petitioner

was remanded to judicial custody on 11.02.2026 for the offence under Section 51(1) of Wild Life Protection Act and Section 135 of Customs Act. He would further submit that according to the prosecution, the petitioner smuggled 31 live exotic wild life species from Bangkok. It is the further submission of the petitioner that he is also one of the victims and he is also one of the persons, who appears to be handler and the petitioners monthly income is only Rs.30,000/- and with that amount, he cannot have capacity to run such an organised crime. It is the further submission of the petitioner that there is no mensrea to the petitioner, as he only helped the person, who according to the prosecution, is a handler, without knowing what is inside the electronic gadget and what was informed to him was that to handover the electronic gadget at Chennai. Therefore, taking into consideration of the long incarceration of the petitioner, prayed to enlarge him on bail.

4. The said contention was stoutly objected by the learned Special Public

Prosecutor on the ground that if the smuggling of exotic species entering into the Indian territory is lightly dealt, it would be serious ecological and international implications. It is the further contention of the learned Special Public Prosecutor that the investigation is on full swing to find out the handlers who involved in this case. It is also the contention of the learned Special Public Prosecutor that the petitioner, became part of the crime. Hence, if the petitioner is enlarged on bail, at this juncture, it would jeopardise the prosecution case.

5. I have given anxious consideration to the submissions made by the learned counsel on either side.

6. As rightly contended by the learned Special Public Prosecutor, the

exotic species entering into the Indian territory may have its own ecological impact, which would be dealt with seriously. Apart from that, the learned Special Public Prosecutor, has also submitted that the handler is yet to be identified. In such a situation, as rightly contended by the learned Special Public Prosecutor, if the petitioner is enlarged on bail, it would definitely jeopardise the prosecution case and therefore, this Court is not inclined to enlarge the petitioner on bail.

7. Accordingly, this Criminal Original Petition is dismissed. Page3 of 5 30-03-2026
MJS Note:

1. Registry is directed to forthwith upload this order in the Official Website of this Court.

2. All concerned to act on this order being uploaded in Official Website of this

Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code. To

1. The Public Prosecutor, High Court, Madras.

2. The Superintendent of Customs, Prosecution Unit-Airport, New Custom House, Meenambakkam, Chennai-600027. Page4 of 5

C.KUMARAPPAN, J.

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