

Rajendra Prashad

Vs

State of Uttar Pradesh and Another

Criminal Appeal No. 536 of 1981

(O. Chinnappa Reddy, A.P. Sen, Baharul Islam JJ)

28.07.1981

JUDGMENT

1. This is an appeal by special leave against the judgment of the High Court of Allahabad dismissing an application for the issue of a writ of habeas corpus.
2. On February 4, 1980 some electronic goods of foreign origin were seized from the shop of the appellant in the course of a raid. The seizure was communicated to the Government on August 8, 1980. The Government made an order of detention under COFEPOSA on September 19, 1980.
3. In this appeal Shri Vimal Dave, learned counsel for the appellant, argues that no activity was alleged against the appellant from February 4, 1980 until September 24, 1980 when he was arrested and that circumstance coupled with the fact that proceedings under the Customs Act were pending against the appellant made it abundantly clear that there could be no apprehension in the mind of the detaining authority that the appellant would indulge in future in any smuggling activity. We are unable to agree with the submission of Shri Dave. The seizure of electronic goods from the shop of the appellant is not so remote in point of time as to be brushed aside. In the circumstances, we are not prepared to go behind the order of detention. The appeal is, therefore, dismissed.

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