

Rajendra Prashad vs State Of Uttar Pradesh And Anr. on 28 July, 1981

Equivalent citations: AIR1982SC1256, 1982CRILJ1741, (1981)4SCC558, AIR 1982 SUPREME COURT 1256, 1981 4 SCC 484, 1982 ALL. L. J. 628, 1981 SCC(CRI) 870, 1982 SC CRI R 106, 1981 CRI APP R (SC) 356, 1981 SCC(CRI) 856, 1981 CRILR(SC MAH GUJ) 543, (1981) CHANDCRIC 178, 1981 UJ (SC) 850, 1982 UP CRI C 26, (1982) CRILC 575, 1982 CRILR(SC MAH GUJ) 33, 1981 (4) SCC 558, (1981) GUJ LH 500

Author: O. Chinnappa Reddy

Bench: A.P. Sen, Baharul Islam, O. Chinnappa Reddy

JUDGMENT

O. Chinnappa Reddy, J.

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.