

# ARREST & SMUGGLING: A GUIDE TO THE CUSTOMS ACT, 1962



## THE FOUNDATION OF ARREST

### 'REASON TO BELIEVE' REQUIREMENT

Arrests cannot be based on pretence or subjective satisfaction; they must be held in good faith with a rational connection to the evidence.



### SENIOR LEVEL APPROVAL

Arrests should be ordered only by a Principal Commissioner or Commissioner of Customs, except in remote areas where an Assistant may authorize it.



### CIRCUMSCRIBED POWER

Arrest should only be resorted to in cases of a sufficiently grave nature, such as organized smuggling or preventing a suspect from.

## THRESHOLDS FOR ARREST (CIRCULAR 38/2013)

### NON-BAILABLE: EVASION > RS. 50 LAKHS



Offenses involving duty evasion or fraudulent drawback/exemptions exceeding 50 lakh rupees are classified as non-bailable.



The import or export of undeclared goods with a market price exceeding one crore rupees is a non-bailable offence.

### BAILABLE: EXCEPTIONAL CIRCUMSTANCES



For bailable offenses, arrest is typically only considered if high-value goods (precious metals/prohibited items) exceed Rs. 20 lakhs.



### ITEMS EXEMPT FROM VALUE LIMITS

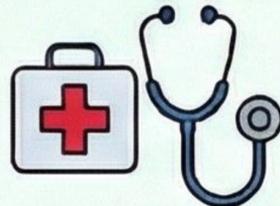
Thresholds do not apply to smuggling of arms, ammunition, explosives, FICN, antiques, or endangered wildlife; arrests can occur regardless of value.

## THE ARREST PROCEDURE & ARRESTEES' RIGHTS



### THE D.K. BASU GUIDELINES

Officers must wear clear ID tags, prepare an arrest memo attested by a witness, and inform the arrestee of their right to contact a relative.



### MEDICAL EXAMINATION REQUIREMENTS

Arrestees must undergo a medical exam by a government doctor soon after arrest; females must be examined by or under the supervision of a female doctor.



### ARREST OF FEMALE OFFENDERS

Female offenders must be arrested only by, or in the presence of, a woman Customs Officer to ensure legal compliance and dignity.



### PRODUCTION BEFORE MAGISTRATE

Every arrested person must be taken to the nearest Magistrate without unnecessary delay, typically within 24 hours of arrest.

## POST-ARREST OBLIGATIONS



### MANDATORY 24-HOUR REPORTING

Chief Commissioners must send a report on every arrest to the concerned Board Member within 24 hours of the action.



### BAIL BONDS & INDIGENT PERSONS

For bailable offenses, if an arrestee is indigent and cannot provide surety, the officer may discharge them on a personal bond without sureties.



### PROSECUTION PENALTIES

Grave offenses under the Customs Act can lead to criminal prosecution in a court of law with imprisonment for up to 7 years.

