

GAHC010094952024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/2518/2024

GAUTAM SAHA
SON OF SRI MONTU CHANDRA SAHA, RESIDENT OF GARMUR, ITAKHULI
KUMARGAON, P.O. KUMARGAON, P.S. JORHAT, DIST.- JORHAT, ASSAM

VERSUS

THE UNION OF INDIA AND 2 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF INDIA, DEPARTMENT OF REVENUE, MINISTRY OF FINANCE, GOVT. OF
INDIA

2:THE COMMISSIONERATE OF CUSTOMS (PREVENTIVE)
NORTH EASTERN REGION
SHILLONG
MEGHALAYA

3:THE DEPUTY COMMISSIONER (PREVENTIVE)
DIMAPUR
NAGALAN

Advocate for the Petitioner : MR. P J SAIKIA

Advocate for the Respondent : DY.S.G.I.

**BEFORE
HONOURABLE MR. JUSTICE NELSON SAILO**

ORDER

Date : 15-05-2024

Heard Mr. P.J. Saikia, learned counsel for the petitioner who submits that by filing this writ petition the petitioner prays for a direction to the respondent No. 3 to release the vehicle which was seized on 29.01.2024.

2. The vehicle (truck) being registration No. *AS-01-QC-7090* [Ashok Leyland Ltd. (12 wheeler)] as well as the goods laden on the truck was seized by the Customs on 29.01.2024 and Case No. 38/CL/CUS/IMP/DCPF/DMR/23-24 dated 29.01.2024 was registered.

3. The learned counsel for the petitioner further submits that the petitioner has in fact given a statement before the Custom authorities on 01.03.2024 and he has prayed for release of the truck by submitting an application on 01.03.2024. The learned counsel for the petitioner submits that the petitioner is not the owner of the goods and pending further investigation into the matter, the vehicle may be released to the petitioner on zimma nama or under any terms and conditions as found to be appropriate by the concerned authority.

4. The learned counsel for the petitioner has also drawn the attention of the Court to Section 110A of the Customs Act, 1962 which provides for the provisional release of goods, letters or documents seized by the Custom authorities. The learned counsel for the petitioner submits that the petitioner procured the vehicle (truck) on loan, obtained from the bank and the bank has issued several notices for recovery of the arrear amount.

5. Considering the grievances projected and importantly the pending application of the petitioner, the writ petition is disposed of with a direction to

the respondent No. 3 to consider the application submitted by the petitioner for release of the vehicle as may be found to be appropriate, within a period of ten (10) days from the date of receipt of the certified copy of this order.

6. The petitioner may also furnish a copy of this writ petition to the respondent No. 3 along with a certified copy of this order.

Writ petition stands disposed of in the above terms.

JUDGE

Comparing Assistant