

GAHC010148442024



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

**Case No. : Crl.Pet./904/2024**

MANJUR AHMED @ MONSUR AHMED AND ANR  
S/O LATE ASHAID ALI  
VILL- NAIRGRAM, P.O. CHARGULA, P.S. AND DIST. KARIMGANJ

2: AMAD UDDIN  
S/O MASHUKUR RAHMAN  
VILL- MANASHANGON  
P.O. RAKESH NAGAR  
MARJAT KANDI  
P.S. BADARPUR  
DIST. KARIMGANJ  
ASSA

VERSUS

THE STATE OF ASSAM  
REP. BY THE PP, ASSAM

**Advocate for the Petitioner** : MR H R CHOUDHURY, A S PRODhani, S. TALUKDAR

**Advocate for the Respondent** : PP, ASSAM,

**BEFORE  
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

**ORDER**

**Date : 30.08.2024**

Heard Mr. H. R. Choudhury, learned counsel for the petitioners. Also heard Mr. P. Borthakur, learned Additional Public prosecutor for the State of Assam.

- 2.** The report from the Officer In-Charge of Borkhola Police Station has not been received till now.
- 3.** I have considered the submissions made by the learned counsel for both the sides, two consignments, one containing 160 bags of Areca nuts and the other containing 145 bags of Areca nuts were seized by Police on the suspicion that they were brought from Myanmar.
- 4.** This Court is of the opinion that at this stage, it is not conducive to determine as to which Authority, whether the Police or the Custom Department are entitled to seize goods coming from the Foreign Countries without paying normal Custom Duties.
- 5.** The Areca nuts were seized on 03.04.2024 and on 05.05.2024. Areca nut is consumed by humans therefore keeping those articles for a long time in custody of Police may cause decay, making them unfit for human consumption.
- 6.** In the aforesaid reasons, the prayer of the petitioners are allowed.
- 7.** The impugned order dated 01.06.2024 passed by the learned Judicial Magistrate First Class, Cachar, Silchar in Borkhola P.S. Case No. 48/2024 is set aside.
- 8.** The Borkhola P.S. shall give custody of the seized Areca nuts to its real owner after verification of all the documents, the owner shall submit a bond of Rs.50,000/-.
- 9.** With the aforesaid direction, the Criminal Petition stands disposed of.

**JUDGE**

**Comparing Assistant**