

GAHC010174252024



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

Case No. : WP(C)/4351/2024

SYED BASID HUSSAIN
S/O- SYED SOKHAWAT HUSSAIN,
R/O- GINAL TEHSIL URI AREA PIN CODE 193122,
IN THE DISTRICT OF BARAMULLA,
J AND K U.T.

VERSUS

THE UNION OF INDIA AND 2 ORS
REPRESENTED BY THE SECRETARY,
MINISTRY OF FINANCE,
DEPARTMENT OF REVENUE,
NEW DELHI.

2:THE COMMISSIONER OF CUSTOMS (PREVENTIVE)
NORTH EASTERN REGION 110
MG ROAD
SHILLONG
MEGHALAYA.

3:THE ADDITIONAL DIRECTOR
DIRECTORATE OF REVENUE INTELLIGENCE
GUWAHATI ZONAL UNIT

MAINAAK TOWERS
GROUND AND 1ST FLOOR

G.S. ROAD
CHRISTIAN BASTI

GUWAHATI- 781005

Advocate for the Petitioner : MS N KHATUN,

Advocate for the Respondent : SC, DRI,

**BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

ORDER

30.08.2024

1. Heard Mr. M.H. Saikia, learned counsel for the petitioner, who submits that the petitioner's truck bearing Registration No. JK-05-M-0617, which had been seized in connection with DRI Case No.23/CL/IMP/PS&BP/DRI/GZU/ 2023-2024 dated 09.02.2024, had been released provisionally by the Superintendent (Adjn), Office of the Commissioner of Customs (Preventive), North Eastern Region, Meghalaya with the following conditions :

“1. On payment of security deposit of 25% of the value of the seized vehicle in cash.

2. Execution of Bond for 100% value of the seized vehicle.

3. The seized vehicle is to be released to the rightful owner on fulfillment of the conditions and the Bond accepting officer has to satisfy himself regarding the genuineness of the person to whom the seized vehicle is to be provisionally released.”

2. The petitioner's counsel submits that the condition No.1 is very high, inasmuch as, the petitioner would have to deposit approximately 13 lakhs, as the value of the seized vehicle is 52 lakhs.

3. To a query made to the petitioner's counsel as to whether there was an alternative remedy available, the petitioner's counsel submits that he does not

have any knowledge as to whether any alternative remedy is available to the petitioner with regard to the issue raised before this Court.

4. The facts of the case is that the petitioner's truck had been seized, due to seizure of 16,990 kgs of poppy seeds of foreign origin valued at Rs.2,54,85,000/- and 400 kgs of black pepper of foreign origin valued at Rs.2,40,000/-. The seizure had been made due to contravention of the provisions of Section 7(1) and 11 of the Customs Act, 1962, which is punishable under Section 135 of the Customs Act, 1962.

5. Mr. M.K. Boro, learned counsel appearing for the respondent no.3 submits that an alternative remedy is available to the petitioner, in terms of Section 128 of the Customs Act, 1962.

6. In view of there being an alternative remedy available to the petitioner, the petitioner should avail the alternative remedy, by filing an appeal before the Commissioner, Appeals.

6. In view of the above reasons, this Court is not inclined to exercise its discretion in the present case. The petitioner is accordingly given the liberty to approach the Commissioner, Appeals in terms of Section 128 of the Customs Act, 1962, for redressal of his grievance.

7. The writ petition is accordingly disposed of.

JUDGE

Comparing Assistant