

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.238 of 2016

Arising Out of PS.Case No. -null Year- null Thana -null District- MUZAFFARPUR

Santosh Kumar Jain & Ors.

.... Petitioner/s

Versus

The Commissioner of Customs (preventive) 4th Floor, Central Revenue Building,
Bir Chand Patel Path, Patna & Ors.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Prabhat Ranjan, Advocate

For the Respondent/s : Mr. Nivedita Nirvikar, CGC

Mr. Devendra Kumar Sinha, AAG-2

CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI

ORAL JUDGMENT

Date: 17-03-2016

With the help of this application, made under Articles 226 and 227 of the Constitution of India, the petitioners have sought for issuance of appropriate writs directing the respondents to, *inter alia*, unseal the residential premises as well as shop premises of the petitioners, which, according to the petitioners, have been illegally kept sealed since 07.12.2015 without any authority of law.

The fact that the residential and shop premises of the petitioners have been kept sealed by the respondents, in connection with Customs Unit Case No.8/15-16, dated 04.12.2015, is not in dispute.

Heard Mr. Prabhat Ranjan, learned Counsel, appearing on behalf of the petitioners, and Mrs. Nivedita Nirvikar, learned Central

Government Counsel, appearing on behalf of Union of India.

It is, however, submitted by Mrs. Nivedita Nirvikar, learned Central Government Counsel, appearing on behalf of Union of India, that the respondents want to conduct a search, at the said premises of the petitioners, in the presence of the petitioners. It is also submitted by Mr. Prabhat Ranjan, learned Counsel for the petitioners, that as on today, the petitioners are not accused in the case aforementioned.

It is submitted by the learned Counsel for the petitioners that the petitioners are willing to appear at such time as may be convenient to the respondents and their premises may be unsealed and the search and seizure, if any, may be effected in accordance with law.

To the submissions so made, no objection has been raised on behalf of the respondents.

Considering, therefore, the matter in its entirety and in the interest of justice, it is hereby directed that the petitioners shall, on 19.03.2016, at 11:00 AM, appear at their residential premises and, upon their appearance, the respondents shall break the seal and unlock, the residential premises and also the shop premises of the petitioner and unlock both of them. If the respondents intend to carry out any search and/or seizure of the said premises, the same may be done in accordance with law. To the search and seizure, which may be

conducted by the respondents, the petitioners shall render their co-operation.

In terms of the above observations and directions, this application stands disposed of.

(I. A. Ansari, ACJ)

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