

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6348 of 2017

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Jai Prakash, S/o Late Virbhan Virmani, aged about 56 years, resident of House No.- NH-3/72, New Industrial Town, Faridabad, Haryana, proprietor of M/s New Prakash Roadways, 38 Bata Railway Crossing, Faridabad- 12001, Haryana.

.... Petitioner

Versus

1. The Union of India through Commissioner of Customs, (Preventive/Adjudication), Fifth Floor, C.R. Building, B.C. Patel Marg, Patna- 800001.
2. The Adjudicating Authority cum Additional Commissioner/Joint Commissioner, (Preventive/Adjudication), 5th Floor, Central Revenue Building, Birchand Patel Path, Patna- 800001.
3. The AD/SIO/Senior Intelligence Officer, Regional Unit, Directorate of Revenue Intelligence, Vardan, Arya Samaj Mandir Road, Patna RPS More, West Bailey Road, Danapur- 801503, Bihar.
4. The Deputy Commissioner/Assistant Commissioner/Superintendent of Customs (Preventive), Division- Custom (P)- Motihari.

.... Respondents

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Appearance :

For the Petitioner : Mr. Sanjay Kumar Ojha, Advocate.
For the Respondents : Mr. Satya Prakash Tripathy, Sr. S.C. Customs and Mr. Satya Vrat, Advocates.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 04-05-2017

The petitioner's vehicle bearing Truck No. HR-38-Q8843 has been seized by the Customs Authority on allegation of violation to various provisions or misuse of the statutory provisions, seeking release of the vehicle in question, this writ petition has been filed.

Before this Court in this petition under Article 226 of



the Constitution, without first approaching the statutory authority at Motihari, the petitioner is seeking release of the vehicle. The petitioner should first approach the authorities who have seized the vehicle, pray for release of the vehicle and it is only if no action is taken by the authority or adverse order passed, the petitioner may have liberty to approach this Court. Directly filing of this writ petition without approaching the statutory authority is not appropriate, accordingly, we grant liberty to the petitioner to first approach the authority for release of the vehicle and it is for the authority to consider the grievance of the petitioner.

With the aforesaid, the petition stands disposed of.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

U.K./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.05.2017.
Transmission Date	

