

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1005 of 2019

In
Civil Writ Jurisdiction Case No.7589 of 2018

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M/s Ayesha Exports through its Proprietor Majaharul Haque Male, Aged about 51 years, S/o Late Md. Iliyas, Resident of Ayesha Manzil, Nawabganj, P.S. and Dist. Kishanganj. Petitioner

Versus

1. The Union of India through Mr. K.C. Gupta, the Chief Commissioner, Customs (HQ), Patna
2. Mr. Ved Prakash Shukla the Commissioner, Customs (Pre.), HQ, Patna
3. Mr. Arvind Kumar Sinha the Deputy Commissioner, Land Customs Station, Jogbani, Araria, Bihar
4. Mr. Sudarshan Kumar the Superintendent (Tech), Land Customs Station, Jogbani, Araria, Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s	:	Mr. P. K. Shahi, Sr. Advocate Mr. Santosh Kumar Singh, Advocate
For the Opposite Party/s :		Mr.S.D. Sanjay (Adsg) Mr. Anshuman Singh, C.G.C.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 06-09-2019 While Mr. P. K. Shahi, learned Senior Counsel representing the petitioner has taken a strong exception to the statement made in paragraph ‘3’ of the supplementary show cause filed on behalf of the Department of Customs, Govt. of India (hereinafter referred to as the ‘Department’) saying that so long as the order of this Court exists, the Department cannot call upon the petitioner to submit a bond, learned Additional Solicitor General representing the Union of India with learned Central Government Counsel submits that in fact because of pendency of the Letters Patent Appeal, the Department wants that it’s interest should remain protected.



In course of argument finally it has been agreed that this Court may record the undertaking of the petitioner through its Counsel that the release at this stage would be subject to the result of the L.P.A. and if the Department succeeds in the L.P.A., the petitioner will abide by the same.

In the opinion of this Court, since the L.P.A. is already pending before the Hon'ble Division Bench in view of aforesaid undertaking whatever action is being taken by the Department at this stage, automatically becomes subject to the result of the L.P.A.

Learned Senior Counsel for the petitioner has assured that the petitioner firm is being run by a citizens of India and the Department has no reason to take any adverse view against them, at this stage, as if they will not comply with the order of the Court.

Mr. S. D. Sanjay, learned Additional Solicitor General submits that now in view of the order recorded hereinabove, no bond will be required from the petitioner and the goods will be released and order will be complied with immediately.

This application stands disposed of.

(Rajeev Ranjan Prasad, J)

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