

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.141 of 2012

In
Civil Writ Jurisdiction Case No.11938 of 2011

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1. UNION OF INDIA through Chief Commissioner Customs, Bihar, Central Revenue Building, Patna.
 2. Commissioner Of Customs, Bihar, Patna
 3. Deputy Commissioner, Customs, District Muzaffarpur, Bihar
 4. Superintendent Of Police, District Samastipur, Bihar
 5. Superintendent Cum Investigating Officer, Barauni Customs Division, Barauni, Bihar

... .. Appellant/s

Versus

1. ASSAM TRADE and TRANSPORT and ANR S/O Mal Chand Sarda Resident Of H.B.Road, Opposite Ambar Hotel Fancy Bazar, P.S. Fancy Bazar, District Gouhati Assam
2. Adras Traders Through Its Proprietor Ragender Pareek S/O Jeth Mal Pareek Resident Of Gope Nagar Parenger Par, Falkata, P.S. Falkata District Jalpaigur, West Bengal

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Satya Prakash Tripathy, Advocate
For the Respondent/s : Mr.Prabhat Ranjan, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 28-09-2020

The present appeal has been filed against the order dated 14.11.2011 passed by a learned Single Judge of this Court in C.W.J.C. No. 11938 of 2011, titled as Assam Trade & Transport through its proprietor Jai Kishan Sarda & Anr. Vs. The Union of India & Ors., whereby the writ petition stands allowed.

In the instant appeal it is not in dispute that the origin of



the goods i.e. betel nuts was from India and the seizure is also in India. The authorities allege the same to have been brought from Nepal but then there is no clear and cogent material on record to establish such fact.

In our considered view, there is no dispute about the fact that the present appeal is squarely covered both on facts and on law vide our decision rendered in Letters Patent Appeal No.1302 of 2019, titled as M/s Ramesh Kumar Baid and Sons & Anr. Vs. Union of India & Ors., decided on 20-12-2019.

All the parties are ad idem of such fact and request for disposal of the appeal accordingly.

As such, the present appeal stands disposed of in terms of the judgment passed in Letters Patent Appeal No.1302 of 2019, titled as M/s Ramesh Kumar Baid and Sons & Anr. Vs. Union of India & Ors., decided on 20-12-2019.

Interlocutory Application(s), if any, shall stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

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AFR/NAFR	
CAV DATE	
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