

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.684 of 2012

In
Civil Writ Jurisdiction Case No.12738 of 2011

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1. UNION OF INDIA through the Commissioner of Customs (Preventive), 5th Floor, Central Revenue Building, Birchand Patel Path, Patna
 2. The Assistant Commissioner, Customs (Preventive) Muzaffarpur, 2nd Floor, Customs Building, Imli Chatti, Muzaffarpur, Bihar, Patna
 3. Inspector Cum Seizing Officer, Customs (Preventive) Division Muzaffarpur, 2nd Floor, Customs Building, Imli Chatti, Muzaffarpur, Bihar

... .. Appellant/s

Versus

1. MAA SARASWATI TRADERS through the legal Power of Attorney, Rajesh Singh, S/O Sri J.S. Singh Residing At Thana Road, Dhoopguri, P.O. And P.S. - Dhoopguri, District- Jalpaiguri West Bengal
2. Jauhar Khan, Proprietor of M/s Maa Saraswati Traders, s/o late Latif Khan, resident of Thana Road, Dhupguri, P.O. & P.S. Dhupguri, District Jalpaiguri, West Bengal.

... .. Respondent/s

Appearance :

For the Appellant/s :Mr.Satya Prakash Tripathy, Sr.SC (Customs & GST)

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 judgment and order dated 28.02.2012 passed by a learned Single Judge of this Court in C.W.J.C. No. 12738 of 2011, whereby and whereunder the Hon'ble Single Judge has allowed the writ application filed by the respondent-petitioner on wholly erroneous grounds without looking into the facts and circumstances of the case.

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	
Uploading Date	07.10.2020
Transmission Date	

