

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5441 of 2021

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Assam Trade and Transport through its Proprietor Jay Kishan Sarda, aged about 44 years, Male, son of Late Mal Chand Sarda, at present residing at First Floor, Ambar Hotel Building, H B Road, P.S. Fancy Bazar, District Guwahati, Assam, permanent resident of 268/641/5/3, Saria Mill, Tilak Nagar, P.S. Tilak Nagar, District- Lucknow, Uttar Pradesh.

... .. Petitioner/s

Versus

1. The Union of India through the Chief Commissioner of Customs, Central Revenue Building, Patna.
2. The Commissioner of Customs, 5th Floor, Central Revenue Building, Birchand Patel Path, Patna.
3. The Deputy Commissioner, Customs (Preventive) Division, Muzaffarpur, District Muzaffarpur, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Prabhat Ranjan, Advocate
For the Respondent/s	:	Mr.Dr. K. N. Singh (ASG)
		Mr. Anshuman Singh, Sr. CGC

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

(The proceedings of the Court are being conducted by Hon’ble the Chief Justice/Hon’ble Judges through Video Conferencing from their residential offices/residences. Also the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

Date : 26-08-2021

Petitioner has prayed for the following relief(s):

- “(i) Refund/ Discharge of the two Bank Guaranties viz.
- (A) No.6645BG00000714 valued for Rs. 9,25,000/- issued on 24.07.2013; and
- (B) Bank Guarantee No.



6645BG00000614 valued for Rs.2,00,000/- issued on 24.07.2013; and (ii) Discharge of the indemnity Bond furnished for obtaining the provisional release of the seized goods; pursuant to the Judgment and order dated 28.09.2020 passed by a Division Bench of this Hon'ble Court in LPA No.141 of 2012 (Union of India and others Vrs. Assam Trade and Transport and others).”

In the response filed by the respondents dated 25.08.2021 respondents have stated as under:-

“3. That it is humbly stated that the Deputy Commissioner, Customs (P) Division Muzaffarpur vide his Letter C. No. VIII (48)02- Appeal/Legal/11-12/1572 dated 23.03.2021 has informed that a request Letter vide C.No. VIII(10)69-Cus/Seiz/MUZ/11-12/1491 dated 18.03.2021 has been issued to the concerned Bank i.e. ICICI Bank Ltd., Shanti Complex, MS Road, Fancy Bazar, Guwahati, Assam- 781001 for discharge of Bank Guarantee No. 6645BG00000714 for Rs. 9,25,000/- and 6645BG00000614 for Rs. 2,00,000/- both dated 24.07.2013 with a copy to the petitioner.”

The present petition, as is urged by the respondents, may have become infructuous, but nonetheless, the petitioner, as is rightly pointed out by Shri Prabhat Ranjan, learned counsel for the petitioner, is entitled to receive the



original papers pertaining to the bank guarantee.

Shri Anshuman Singh, learned counsel for the respondents, states that all steps shall be taken by the respondents ensuring release of the papers to the petitioner by the Bank.

Statement accepted and taken on record.

Ordered accordingly.

Let the respondents pursue the matter with the Bank for return of the original papers pertaining to Bank Guarantee, to the petitioner.

Petition disposed of in the aforesaid terms.

Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/-

AFR/NAFR	
CAV DATE	
Uploading Date	01.09.2021
Transmission Date	

