

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8086 of 2020

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Suresh Sindhu @ Suresh Son of Shri Bhagat Ram Sindhu Resident of House No. 1449/213, 30 Feet Road, Durga Puri Loni Road, P.S.- Mansarovar, District- Shahdra (Delhi).

... .. Petitioner

Versus

1. The Union of India through Commissioner of Customs (Preventive), 5th Floor, Birchand Patel Path, Patna, Bihar.
2. The Additional Commissioner cum Adjudicating Authority Customs (Preventive), 5th Floor, Central Revenue Building, Birchand Patel Path, Patna, Bihar.
3. The Assistant Commissioner of Customs (Motihari), P. Division, Motihari, District- Motihari, Bihar.
4. The Inspector of Customs, Customs (P) Division, Motihari cum Seizing Officer, District- Motihari, Bihar.

... .. Respondents

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Appearance:

For the Petitioner	:	Mr.Prabhat Ranjan, Advocate
For the Respondents	:	Dr. K.N. Singh. AS.G. Mr. Anshuman Singh, Sr. S.C. Customs

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 13-04-2021

Heard learned counsel for the petitioner and learned counsel for the respondents through video conference. Learned counsel for the petitioner undertakes that all defects pointed out by the Stamp Reporter shall be removed, and compliance with the conditions of the notices of this Court with regard to acceptance of e-filing shall be made, without delay immediately upon resumption of normal physical functioning of the Court, and in any event within one month thereof.

2. The following reliefs as formulated by the petitioner



have been claimed in the writ petition -

"Quashing of the seizure of Truck bearing Registration No. UP-17T/9887 on 26.08.2020 (Annexure-4) effected by Respondent No. 4 in exercise of powers under Section 110 of the Customs Act, 1962 for alleged violation of Section 7,11, 46 and 47 of the Customs Act, 1962 read with Section 3(2) of Foreign Trade (Development and Regulation) Act, 1992;
(ii) Provisional release of the truck bearing Registration No. UP-17T/9887 in favour of the petitioner during the pendency of the instant writ application for which, an application has already been filed on 10.09.2020 before the competent authority; and
(iii) Restraining the respondents from harassing the petitioner in the name of investigation and follow up during the pendency of the present writ petition."

3. Learned counsel for the petitioner at the outset invites reference to the Release Order dated 16.12.2020 (Annexure-B to the counter affidavit) whereby the seizure of Dried Areca Nuts weighing 24012 kgs. has been vacated and the vehicle bearing Registration No. UP-17T/9887 has been released to the petitioner and as such the grievance of the petitioner stands redressed.

4. Learned A.S.G. Dr. K. N. Singh appears and has been heard.



5. The writ petition accordingly stands disposed of.

6. Office shall follow-up to ensure that all defects are removed and compliance with the notices of this Court are made by the petitioner within the stipulated time provided in para 1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Vikash Jain, J)

Chandran/-

AFR/NAFR	NAFR
CAV DATE	-
Uploading Date	15.04.2021
Transmission Date	-

