

24.02.2021
Sl. No.54
PP

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 6984 of 2020
with
CAN 1 of 2020

Binod Kumar Bhagat
Vs.
Additional Commissioner of Customs (Preventive),
West Bengal & Ors.

Mr. Anil Kumar Dugar,
Mr. Rajarshi Chatterjee

....for the petitioner.

Mr. Amitabrata Roy

....for the respondent nos.1-4.

The petitioner has challenged the conditions imposed for provisional release of the vehicle, bearing no. NL-01L-2867 seized under seizure case no. S/C 01/CL/CUS/MLDN-DPU/2019-20 dated 09/01/2020-reg. By the said order for provisional release two conditions have been imposed which are as follows:-

“1. Execution of Bond of Rs.14,00,000/- (Rupees Fourteen Lakhs) only, and

2. Furnishing of Cash Security of Rs.3,50,000/- (Rupees Three Lakhs Fifty Thousands) only.

The petitioner has made a representation before the authority on 24th February, 2020 inter alia on the ground that the provisional release of the vehicle be made without any conditions being imposed. The advocate representing the petitioner, however, in course of hearing fairly submits that the petitioner is

actually seeking relaxation of the cash security of Rs.3,50,000/- directed to be furnished for the provisional release. The petitioner says that instead of cash security, the petitioner is ready to provide a bank guarantee in a nationalised bank for Rs.3,50,000/-.

Since the representation of the petitioner is pending, I dispose of the writ petition along with the connected application by directing the Commissioner of Customs (Preventive), West Bengal, Kolkata to decide upon the petitioner's representation dated 24th February, 2020 in the light of the submission made on behalf of the petitioner as recorded in this order.

The representation should be disposed of by passing a reasoned order after affording the petitioner a reasonable opportunity to represent his case within a period of two weeks from date and the same shall be communicated to the petitioner within seven days from the date of passing of the same.

So far as the adjudication part with regard to the show cause notice dated 8th July, 2020 issued to the petitioner is concerned, I refrain to go into the same at this stage as the adjudication in terms of such show cause notice is required to be brought to a logical conclusion and is not dependent on the provisional release of the vehicle.

Since I have not called for any affidavits, allegations made in the writ petition are deemed to have not been admitted.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with the necessary formalities.

(Arindam Mukherjee, J.)