

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.446 of 2021

1. M/s Suna Uddin Firm through its Proprietor Suna Uddin, Aged about 46 years, Male, Son of Late Habib Ali, Office at N.A., Sundaura, Kalibari, Kalain, Cachar, Assam- 788815 Resident of Vill./Town- Sundaura, P.S.- Katigorah, Sub- Division- Silchar District- Cachar, Assam.
2. M/s Barak Transport Service through its Proprietor Riazul Haque Barbhuiya, Male, Aged about- 38 Years Residing At- Near Digorkhal High School, Vill.- Gobindarkopa, P.O.- Gumra Bazar, Chachar, Assam- 788815.
3. Aarif Khan, aged about 25 years, Male S/o Shehrudeen, Resident of Nagliwal, P.S.- Nougawa, Ramgarh, District- Alwar, Rajasthan 301025. (Truck Owner bearing registration no. RJO1BG-8352).

... .. Petitioner/s

Versus

1. Union of India through the Commissioner of Customs (Prev), Patna, 5th Floor, Kendriya Rajaswa Bhawan, Bir Chand Patel Path, Patna- 800001.
2. The Additional/Joint Commissioner of Customs (Prev) Hqrs, Patna 5th Floor, Kendriya Rajaswa Bhawan, Bir Chand Patel Path, Patna- 800001.
3. The Deputy/ Assistant Commissioner (Preventive) Office of the Commissioner of Customs (Prev), Patna, 5th Floor, Kendriya Rajaswa Bhawan, Bir Chand Patel Path, Patna- 800001.
4. The Assistant Commissioner Customs (Prev) Division, Muzaffarpur, Imlichatti, Muzaffarpur, 2nd Floor, Customs Building, Muzaffarpur- 842001.
5. The Superintendent (Prev) Integrated Anti Smuggling Unit, O/O the Commissioner of Customs (P), 5th Floor, CR Building, BC Patel Path, Patna- 800001.
6. The Inspector (Prev) Customs (Prev) Division, Integrated Anti Smuggling Unit, O/O the Commissioner of Customs (P), 5th Floor, CR Building, BC Patel Path, Patna- 800001.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Amit Pandey, Advocate
For the UOI	:	Dr. K. N. Singh, ASG
For the Customs	:	Mr. Anshuman Singh, Sr. SC

CORAM: HONOURABLE MR. JUSTICE RAJAN GUPTA
and
HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJAN GUPTA)

3 02-02-2022 The matter has been heard *via* video conferencing.



At the outset, learned counsel for the petitioners submits that the goods have been provisionally released. However, the proceedings are pending before the concerned authority. Learned counsel submits that the matter is squarely covered by judgment in LPA No. 1302 of 2019 decided on 20th December, 2019.

Under the circumstances, we propose that the petitioners may raise all their pleas before the concerned custom authority. Learned counsel for the petitioners has agreed to this proposal.

Under the circumstances, we dispose off the writ petition with liberty to the petitioners to raise their plea before the concerned authority. They shall be at liberty to place reliance upon the judgment passed in LPA No. 1302 of 2019. The authority shall ensure that the matter is decided expeditiously.

(Rajan Gupta, J)

(Mohit Kumar Shah, J)

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