

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.232 of 2020

In

Letters Patent Appeal No.1306 of 2019

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M/s J. K. Traders, Doturi, Kawatika, Bijni, Chirang, Assam- 738390 through its Manager Allauddin Sheikh, Aged about 35 years, Male, Son of Abdus Samad, Resident of Vill/Town- (A) Doturi, (Part 2), P.S. Bijni, Sub Division- Bijni, District- Chirang (Assam).

... .. Petitioner/s

Versus

1. Union of India through The Commissioner of Customs (Prev) Shri Ranjit Kumar, Patna 5th Floor, Kendriya Rajaswa Bhawan, Bir Chand Patel Path, Patna- 800001.
2. The Assistant Commissioner, Customs (Prev) Division, Forbesganj Shri Sachin Kumar Mazumdar, Goryare Chawk, Forbesganj, Dist.- Araria (Bihar) 854318.
3. The Superintendent (Prev), Customs (Prev) Division, Forbesganj Shri Rajesh Kumar and Shri Umesh Kumar Lall, Goryare Chawk, Forbesganj, Dist.- Araria (Bihar)- 854318.
4. The Inspector (Prev), Customs (Prev) Divison, Forbesganj Shri Sharad Kumar, Goryare Chawk, Forbesganj Shri Sharad Kumar, Goryare Chawk, Forbesganj, Dist.- Araria (Bihar)- 854318.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amit Pandey, Adv.
Mr. Thakur Rajiv Ranjan, Adv.

For the Opposite Party/s : Mr. S.D. Sanjay (A.S.G.)

For the Respondent : Mr. K.N. Singh, Sr. Advocate, ASG
Mr. Anshuman Singh, Sr. SC, Customs

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

3 23-06-2023 The present MJC is filed for non-compliance of the order dated 20th of December, 2019, passed in LPA No. 1306 of 2019, arising out of CWJC No. 6657 of 2019. Para 50 of the order reads as under:-

“Thus, in view of our aforesaid discussions, we set aside the judgment dated 05.09.2019 passed in CWJC No. 6657 of 2019 titled as M/s. J.K. Traders & anr. Versus the Union of India & Ors. by a learned Single Judge of this Court and allow the writ petitioners’ prayer of quashing the seizure memo dated 6th of February, 2019, as also all consequential actions seizing the goods and vehicle in question, for such action to be without any basis having no mandate of law”.

2. The respondents were stated to have released the goods and it is not disputed by the learned counsel for the petitioner.

3. At this stage, learned counsel for the petitioner submitted that bank guarantee is required to be released by the concerned respondent. Even though, there is no specific direction of this Court for release of bank guarantee by the



concerned respondent in favor of the petitioner.

4. The petitioner is hereby directed to submit a detailed representation in respect of the release of bank guarantee. If such representation is submitted, the concerned respondent is hereby directed to take appropriate action within a reasonable period of time.

5. The present MJC-contempt petition stands dropped.

(P. B. Bajanthri, J)

Amrendra/ashish
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(Jitendra Kumar, J)

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