

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74987 of 2023

In
Criminal Writ Jurisdiction Case No.607 of 2023

Arising Out of PS. Case No.- Year-0 Thana- District- East Champaran

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MAMTA TRADERS @ MAMATA TRADERS, BHARATPUR-3,
NARAYANGARH, CHITWAN, NEPAL THROUGH ITS PROPRIETOR
HEM PRASAD NEUPANE @ HEM PD. NOPANI, AGED ABOUT 56 YRS,
MALE, SON OF IM PRASAD NEUPANE, R/O BHARATPUR,
NARAYANGARH, CHITWAN, NEPAL.

... .. Petitioner/s

Versus

1. THE UNION OF INDIA THROUGH DIRECTOR GENERAL NARCOTIC
CONTROL BUREAU, MINISTRY OF HOME AFFAIRS, GOVERNMENT
OF INDIA, NEW DELHI
2. THE DEPUTY COMMISSIONER OF CUSTOMS, LAND CUSTOMS
STATION, DEPARTMENT OF CUSTOMS AND EXCISE,
GOVERNMENT OF INDIA, RAXAUL, DISTRICT - EAST
CHAMPARAN
3. THE INSPECTOR (PREVENTION) CUM-SEIZURE OFFICER, LAND
CUSTOMS STATION, DEPT. OF CUSTOMS AND EXCISE,
GOVERNMENT OF INDIA, RAXAUL, DISTRICT - EAST
CHAMPARAN

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Mishra, Advocate
For the Opposite Party/s : Mr.Dr. K.N. Singh (ASG)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

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| 2 | 24-11-2023 | <ol style="list-style-type: none">1. Heard learned counsel for the parties concerned.2. The present application has been filed for modification
of the conditions put forth for release of rice mill set in favour of the
petitioner. As per the conditions stipulated by this Court in its order
dated 07.08.2023, passed in Cr. W.J.C. no. 607 of 2023 for release of
rice mill, the petitioner is required to furnish adequate bank guarantee
of Rs. 3 lacs to the satisfaction of the learned District Court. |
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3. Learned counsel for the petitioner submits petitioner is a Nepali citizen and the learned court below has refused to accept any bank guarantee issued by a Nepali Bank. In view of the aforesaid, learned counsel submits that a sum of Rs. 3 lacs in Indian currency shall be deposited by the petitioner before the concerned District Court instead of the bank guarantee of Rs. 3 lacs, as directed by this Court.

4. Learned counsel for the Union of Indian does not have any objection.

5. In above view of the matter, let the order dated 07.08.2023, passed in Cr. W.J.C. no. 607 of 2023 be modified and instead of bank guarantee of Rs. 3 lacs, the petitioner shall deposit a sum of Rs. 3 lacs in Indian currency in the Nazarat of the District Court, East Champaran at Motihari. The concerned District Judge is directed to keep the aforesaid amount in the fixed deposit till the disposal of the case. The time granted for release of the container, having rice mill set, in question in favour of the petitioner is also extended by a further period of three weeks.

6. The present petition stands allowed with the aforesaid modifications.

(Anil Kumar Sinha, J)

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