

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5342 of 2024

Om Prakash Mishra, S/o Late Ram Davan Mishra, Resident of Village -
Nawada, Pandey Tola, Ward No. - 4, P.S. - Kotwa, District - East Champaran.
... .. Petitioner.

Versus

1. The Union of India through the Principal Chief Commissioner of Custom, 4th Floor, C.R. Building, Birchand Patel Path, Patna, Bihar.
2. The Principal Chief Commissioner of Customs, 4th floor, C.R. Building, Birchand Patel Path, Patna, Bihar - 800001.
3. The Commissioner of Custom (Preventive), 2nd floor, C.R. Building, Birchand Patel Path, Patna, Bihar- 800001.
4. The Additional Commissioner of Custom (Preventive), C.R. Building, Birchand Patel Path, Patna, Bihar - 800001.
5. The Deputy/Assistant Commissioner (RRA) custom (Hqrs), C.R. Building, Birchand Patel Path, Patna, Bihar - 800001.
6. The Deputy Commissioner, Custom (Preventive) Division, Belbanwa, Motihari, East Champaran.
7. The Superintendent, Custom (Preventive) Custom Division, Belbanwa, Motihari, East Champaran.
8. The Superintendent, (Adjudication), Custom (Preventive) Division, Motihari.
9. The Superintendent (Recovery of Dues), Custom (Preventive) Division, Motihari.
10. The Godown In-Charge, Custom (Preventive) Division, Belbanwa, Motihari, East Champaran.

... .. Respondents.

Appearance :

For the Petitioner	:	Mr. Dhurendra Kumar, Advocate. Mr. Sumit Kumar, Advocate. Mr. Sudhanshu Kumar, Advocate.
For the Respondents-UI:		Dr. Krishna Nandan Singh, ASG. Mr. Anshuman Singh, Sr. SC, Customs. Mr. Shivaditya Dhari Sinha, Advocate.

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 14-02-2025

In the instant writ petition, petitioner has prayed for the
following relief(s):



- “i. For issuance of an appropriate writ(s), order(s), direction(s) for quashing the order dated 17.05.2023 passed by Deputy Commissioner, Custom (Preventive) Division, Motihari, East Champaran (Respondent No.-6) in Case No.-VIII (10) 219/ PREV/ CUS/MTH/22-23/4726 by which personnel penalty of Rs.5000/- has been imposed upon the petitioner under the provision of Section 114 of Custom Act, 1962 and also imposed penalty of Rs.2000/- under the provision of Section 117 of Custom Act, 1962 for not honouring the summon issued by the department.
- ii. For quashing the subsequent letter MISC/ARC/MTH/2022-23/354 dated 05.02.24 issued under the signature of Superintendent (Recovery of Dues) Custom (Preventive) Division, Motihari by which the petitioner was directed to deposit the personal penalty of Rs.7000/- failing which recovery will be made from his movable/ immovable property under Section 142 of Custom Act.
- iii. And for any other appropriate relief(s) for which petitioner is found to be entitled in the facts and circumstances



of this case.”

2. Unnecessarily, petitioner has been implicated in the subject matter of offences under Customs Act with reference to the petitioner’s vehicle bearing Registration No.BR-05D-9760 instead of BR-05D-9706. This has been rectified as is evident from Annexure-H to the supplementary counter affidavit filed on behalf of the respondents.

3. Petitioner has been unnecessarily implicated and compelled him to file litigation and has undergone mental agony. Resultantly, petitioner is entitled to compensation, litigation cost and it is quantified at Rs.15000/-(Rupees Fifteen Thousand). Cost shall be paid by the respondents to the petitioner within a period of eight weeks from today.

4. With the above observations, instant writ petition stands disposed of.

(P. B. Bajanthri, J)

(Sunil Dutta Mishra, J)

P.S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.02.2025.
Transmission Date	NA

