

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5832 of 2025

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1. Maa Kamakhya Traders having its Registered Office at 2nd Floor, KTC Building NH-37, Beharbari, Beltola, Guwahati, Assam, through its Proprietor Sushil Kumar Dwivedi @ Sushil Kumar, aged about 48 years, Male, Son of Sri Jai Govind Dwivedi, Resident of Upper Burtuk, P.S. Sadar, District Gangtok, Sikkim 737101.
 2. Kamadgiri Trading Company, having its Principal Place of Business at First floor, 3420-3421, Near Metro Hauz, Qazi Gali, Chaumukha Mandir, New Delhi through its Proprietor Shivam Dwivedi, aged about 29 years, Male, son of Sunil Dwivedi, resident of M-2/ 1 C, First Floor, Model Town 3, P.S. Model Town, District North West Delhi.

... .. Petitioner/s

Versus

1. The Union of India through the Chief Commissioner, Customs, Central Revenue Building, Birchand Patel Path, Patna, Bihar.
2. The Commissioner of Customs (Preventive) cum Adjudicating Authority, Central Revenue Building, Birchand Patel Path, Patna, Bihar.
3. The Additional Director General, Directorate of Revenue Intelligence, Zonal Unit, Lucknow, Uttar Pradesh.
4. The Deputy Director, Directorate of Revenue Intelligence, Regional Unit, First Floor, Customs Office, Building, Imali Chatti, Muzaffarpur, Bihar.
5. The Intelligence Officer cum Seizing Officer, Directorate of Revenue Intelligence, Regional Unit, First Floor, Customs Office, Building, Imali Chatti, Muzaffarpur, Bihar.
6. Sudhanshu Kumar, fathers name not known to the petitioner, I.O. cum Seizing Officer, Directorate of Revenue Intelligence, Regional Unit, First Floor, Customs Office, Building, Imali Chatti, Muzaffarpur, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Prabhat Ranjan, Advocate
For the Respondent/s : Mr.Dr. K.N. Singh (ASG)

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE S. B. PD. SINGH

ORAL JUDGMENT

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

Date : 24-07-2025

In the instant petition, petitioner has prayed for the



following relief(s):-

(i) Quashing of the Seizure Memo dated 23.11.2023, corresponding to DRI Case No. 08/2023 24 dated 23.11.2023 vide DIN 202311DDZ80000666FF3 (Annexure P/5) by which, 23520 Kgs. of Assam Dried Areca Nuts along with Tata LPT Truck bearing Registration No. PB-13AW/9261 have been seized under Section 110 of the Customs Act, 1962 for alleged violation of Section 32, 33, 34, 46 and 47 of the Customs Act, 1962;

(ii) Provisional release of the 23520 Kgs. of Betel Nuts and the Truck bearing Registration No. PB-13AW/9261 seized by the Respondent (s) vide Seizure Memo dated 23.11.2023 in connection with DRI Case No. 08/2023 24 dated 23.11.2023 on the ground that the seized goods are perishable in nature and open to quick and natural decay due to acute weather condition;

(iii) Restraining the Respondents from taking any coercive action against the petitioners in connection with Seizure dated 23.11.2023 corresponding to DRI Unit Case No. 08/2023-24 during the pendency of the present writ application and/or without the leave of this Hon'ble Court."

2. Learned counsel for the petitioner submitted that the present matter is covered by the co-ordinate bench decision in the case of **Assam Supari Traders Vs. Union of India and Ors** (CWJC No. 10582 of 2024 decided on 25.09.2024) and **A.S. Trading Company Vs. Union of India and Ors** (CWJC No. 17756 of 2024 and its analogous case decided on 25.04.2025).

3. Respondents have tried to distinguish *Assam Supari* case cited above in para 4 of the supplementary counter affidavit filed on behalf of respondent nos. 3, 4 and 5 highlighting certain facts of the case. However, in para 4 of the supplementary counter affidavit issue therein, was dealt by this Court in the



case of **A.S. Trading Company Vs. Union of India and Ors** (CWJC No. 17756 of 2024 decided on 25.04.2025) and similarly in the case of **Sukhdeo Singh and Ors Vs. Union of India and Anr** (CWJC No. 7999 of 2020 decided on 05.12.2025). Those later decisions have not been distinguished in para 4 of the supplementary counter affidavit, therefore, we are compelled to follow the earlier decisions read with the later decisions to the extent of interfering with the impugned action of the respondents in the present petition.

4. Accordingly, impugned Seizure Memo dated 23.11.2023 *vide* Annexure-P/5 is unsustainable and is, accordingly, quashed and set aside.

5. The writ petition stands allowed.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.08.2025
Transmission Date	NA

