

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9097 of 2024

M/s Maa Kamakhya Traders having its office at Plot No. 82, Brahmaputra Industrial Park, Sila, Sendurighopa, Kamrup, Pin 781030, through its Authorized Signatory cum Power of Attorney Holder Rama Shankar Maurya, aged about 49 years, Male, son of Late Jay Ram Maurya, resident of Village Pali Post Pali, P.S. Suriyawa, District Sant Ravidas Nagar Bhadohi 221304 (U.P.)

... .. Petitioner

Versus

1. The Union of India through the Secretary, Ministry of Finance, Department of Revenue, Central Board of Excise and Customs, New Delhi.
2. The Chief Commissioner of Customs, Central Revenue Building, Birchand Patel Path, Patna.
3. The Commissioner of Customs (Preventive), Head Quarters, 5th Floor, Central Revenue Building, Birchand Patel Path, Patna.
4. The Additional Commissioner cum Adjudicating Authority Office of the Commissioner of Customs (Preventive), HQRS, 5th Floor, Central Revenue Building, Birchand Patel Path, Patna.
5. The Assistant Commissioner of Customs (Preventive), Division Forbishganj, District Forbishganj, Bihar.
6. The Inspector of Customs (Preventive) Division Forbishganj, District Forbishganj, Bihar cum Seizing Officer.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. Prabhat Ranjan, Advocate Mr. Chandan Kumar, Advocate Mr. Aush Prasad, Advocate
For the Respondent/s	:	Mr. Shivaditya Dhari Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 19-03-2025

On 06.03.2025, we have passed the following
order:

“Learned counsel for the petitioner relied on



Co-ordinate Bench decision in C.W.J.C. No. 4918 of 2021 decided on 19.02.2025.

2. Learned counsel for the respondent seeks time to secure instruction. It is made clear that no further time would be granted on the next date of hearing, if there is no interim order from the Hon'ble Supreme Court against the order dated 19.02.2025 passed in C.W.J.C. No.4918 of 2021.

3. Re-list this matter on 19.03.2025."

2. Relief sought in the present Writ petition are as under:

(i) Quashing of the Seizure dated 22.11.2023 correspondent to Unit Case No. 132/Cus/Seiz/DPU/FBH/2023-24 dated 22.11.2023 whereby, 24,500 Kgs of Dried Areca Nut packed in 350 Bags along with Tata Truck bearing Registration No. UP-13CT/ 2596 has been seized under Section 110 of the Customs Act, 1962 for alleged violation of Section 7, 11, 46 and 47 of the Customs Act, 1962 read with Section 3(2) of the Foreign Trade (Development and Regulation) Act, 1992 and Government of India, Ministry of



Finance Notification NO. 9/96 (NT)-CUS dated 22.01.1996 issued under Section 110 of the Customs Act, 1962;

(ii) Vacation of the Seizure dated 22.11.2023 corresponding to Unit Case No. 132/Cus/Seiz/DPU/FBH/2023-24 dated 22.11.2023 followed by the discharge of the Bank Guarantee and Bond furnished by the petitioner to secure the provisions release of the seized goods; and

(iii) Restraining the Respondents from giving effect to and taking any further action arising out of Seizure dated 22.11.2023 corresponding to Unit Case No. 132/Cus/Seiz/DPU/FBH/2023-24 dated 22.11.2023 during the pendency of the present writ application and/or the without the leave of this Hon'ble Court."

3. Today, learned counsel for the Respondents seeks time. Perusal of the order-sheet from time to time, it is evident that at the behest of Respondents, matter is adjourned for one or the other reason.

4. Having regard to the fact that the present petition is squarely covered by Co-ordinate Bench decisions in the case



of Krishna Kali Traders Vs. The Union of India dated 05.12.2024 passed in C.W.J.C. No. 7682 of 2020 and Assam Supari Traders Vs. The Union of India dated 25.09.2024 passed in C.W.J.C. No. 10582 of 2024. That apart, Co-ordinate Bench on 19.02.2025 allowed C.W.J.C. No. 4918 of 2021 while taking note of earlier decision. In the light of these facts and circumstances, the impugned order dated 22.11.2023 corresponding to Unit Case No. 132/CUS/SEIZ/DPU/FBH/2023-24 stands set aside. Writ petition stands allowed in terms of the aforementioned decisions. Pending I.As, if any, stands disposed of.

(P. B. Bajanthri, J)

(Alok Kumar Sinha, J)

manish/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.03.2025
Transmission Date	NA

