IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12039 of 2026

CNR No. BRHC010778112026

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Pradeep Kumar Gupta S/o- Late J.P. Gupta, (Owner of Goods Carrier Eicher Trck No. UP-78HN-7221), aged about 55 years, Gender-Male, S/o - Late J.P. Gupta, R/o- C Block, 128/20, Kidwai Nagar, Kanpur (U.P)-208011.

... ... Petitioner/s

Versus

1. The Union of India through the Chief Commissioner of Customs (Preventive), 5th Floor, Central Revenue Building, Birchand Patel Path, Patna.
2. The Commissioner of Customs (Preventive) Head Quarters, 5th Floor, Central Revenue Building, Birchand Patel Path, Patna.
3. The Joint/Additional Commissioner, Customs (Preventive) Division, Motihari.
4. The Assistant Commissioner, Office of the Deputy /Assistant Commissioner of Customs (Preventive) Division, Motihari, Belbanwa, Motihari, East Champaran, Bihar- 845401.
5. The Superintendent (Prev) Customs (P) Division, Office of the Deputy/Assistant Commissioner of Customs (Preventive) Division, Motihari, Belbanwa, Motihari, East Champaran, Bihar- 845401.

... ... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Danish Raja, Advocate
For the Respondent/s : Mr. Sriram Krishna, Sr. SC for Customs
Ms. Ruchi Nandan, Jr. SC, CSTS & CX

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
and
HONOURABLE MR. JUSTICE VIKASH KUMAR

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH)

2 18-11-2026 The present writ petition has been filed seeking the following reliefs:-

"1.1. Issue an appropriate writ, order or

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direction commanding the respondents to forthwith release the petitioner's Eicher Truck (Goods Carrier) bearing Registration No. UP-78HN-7221, seized in connection with Motihari Customs Seizure Case No.74/MTH/2025-26.

1.2. Issue an appropriate writ, order or direction declaring the continued detention of the petitioner's vehicle without conclusion of proceedings and without any lawful justification as illegal, arbitrary and violative of Articles 14,19(1)(g) and 21 of the Constitution of India;

1.3. Issue an appropriate writ, order or direction restraining the respondents from causing any further interference with the petitioner's lawful possession and use of the aforesaid vehicle, except in accordance with law;

1.4. Grant of any other relief/s for which the Petitioner has been found entitled in the eye of the law."

2. At the outset, the learned counsel for the respondents submits that the petitioner had earlier approached the learned Special Court of Economic Offences, Muzaffarpur by filing a petition for the purposes of release of the vehicle in question, however the learned Special Court of Economic Offences, Muzaffarpur, by an order dated 09.06.2026, passed in Motihari Customs Seizure Case No. 74/MTH/2025-26 has disposed of the said petition in the following terms:-

"Accordingly, the present petition is disposed of with the following directions:

1. The application dated 15.01.2026

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submitted by the petitioner before the Assistant Commissioner, Customs (Preventive) Division, Motihari shall be treated as an application under Section 110A of the Customs Act, 1962.

2. If no order has yet been passed thereon, the Assistant Commissioner, Customs (Preventive) Division, Motihari shall immediately place the same before the competent Adjudicating Authority having jurisdiction under Section 110A of the Customs Act.

3. The competent Adjudicating Authority shall afford opportunity of hearing to the petitioner and pass a reasoned and speaking order strictly in accordance with law.

4. Such exercise shall be completed preferably within thirty days from the date of receipt/production of a copy of this order.

5. While deciding the matter, the competent authority shall take into consideration:

- the admitted ownership of the petitioner.

- the period for which the vehicle has remained under seizure.

- the object underlying Section 110A of the Customs Act.

- and the observations of the Hon'ble Supreme Court in Sunderbhai Ambala Desai (supra) regarding avoidable deterioration of vehicles.

It is made clear that this Court has not expressed any opinion on the merits of the seizure, confiscation proceedings or the petitioner's entitlement to release and all such questions are left open for consideration by the competent authority."

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3. In light of the aforesaid, we are of the view that the ends of justice would be served by directing the competent authority of the respondents to dispose of the case of the petitioner for release of the vehicle in question, in terms of the aforesaid order dated 09.06.2026, passed by the learned Special Court of Economic Offences, Muzaffarpur, by passing a reasoned and a speaking order within a period of six weeks from today.

4. Accordingly, the present writ petition stands disposed of.

(Mohit Kumar Shah, J)

(Vikash Kumar, J)

GAURAV S./-

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