

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3522 of 2025

In
Letters Patent Appeal No.1302 of 2019

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M/s Ramesh Kumar Baid and Sons (HUF) Babu Bazar Building Room No. C4A, S.S. Road, Fancy Bazar, Guwahati 781001 (Assam) Through their Karta, Ramesh Rajendra Prasad Baid @ Ramesh Kumar Baid, Son of Rajendra Prasad Baid, aged about 40 years, Male, Resident of Plot No. 419/521, Gurukrupa, Near Lendra Park Ramdaspath, P.S. Ramdaspath, District Nagpur, Maharashtra 440010.

... .. Petitioner/s

Versus

1. Union of India through the Chief Commissioner of Customs Central Revenue Building, Bir Chand Patel Path, Patna namely Vikas Kumar, Son of Not Known to the petitioner.
2. The Commissioner of Customs (Preventive), Central Revenue Building, Bir Chand Patel Path, Patna namely Dr. Mohan Kumar Meena, Son of Not Known to the Petitioner.
3. The Additional Commissioner of Customs (Preventive), Central Revenue Building, Bir Chand Patel Path, Patna Cum Adjudicating Authority namely Anish Gupta, Son of Not Known to the Petitioner.
4. The Assistant Commissioner, Customs (Preventive) Division Forbesganj, District Araria Bihar namely Sachin Kumar Mazumdaar, Son of Not Known to the Petitioner.
5. The Superintendent (Adjudication), Office of Commissioner of Customs (Preventive), Division Forbeganj, District Araria Bihar namely Neeraj Kumar, Son of Not Known to the Petitioner.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Prabhat Ranjan, Advocate
For the Opposite Party/s	:	Mr.Additional Solicitor General
For the UOI	:	Dr. Krishna Nandan Singh, Sr. Adv. (ASGI)
	:	Mr.Anshuman Singh, Sr. SC, Custom
	:	Mr.Shivaditya Dhari Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
and
HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RITESH KUMAR)

2 22-01-2026 Heard the parties.

2. The present contempt petition has been filed for the
following reliefs:-



"For initiation of contempt proceeding against the opposite parties for deliberate and willful violation of the order dated 20.12.2019 passed in LPA No. 1302 of 2019 by a Division Bench, whereby the Division Bench was pleased to set aside the judgment dated 05.09.2019 passed in CWJC No. 6563 of 2019 by a learned Single Judge of this Court, and allowed the petitioner's prayer for quashing the seizure memo dated 06.02.2019, as also all consequential actions seizing the goods and vehicle in question, for such action to be without any basis having no mandate of law. The writ petition was allowed in terms of the prayer, with a further direction to the authorities concerned to forthwith release the goods."

3. Learned counsel for the petitioner submits that against the order dated 22.12.2019 passed in LPA No. 1302 of 2019, the Union of India preferred SLP(C) No. 7146 of 2021 before the Hon'ble Apex Court and the same was disposed of vide order dated 15.09.2022 with a clarification that the quashing of the seizure memo does not mean the appellants cannot investigate, and proceed in accordance with law under the provisions of the Customs Act, 1962. After passing of the order dated 15.09.2022 by the Hon'ble Supreme Court of India in SLP (C) No. 7146 of 2021, the opposite parties, giving effect to the show-cause notice which stood quashed, decided to resume the confiscation proceedings, and issued a notice for



personal hearing vide C. No. VIII(10)50-Cus/JC/FBG/2019 dated 12.08.2025, notwithstanding the fact that the seizure memo itself, which was the basis of the entire proceeding, stood quashed by the Division Bench of this Court, without any interference in such quashing of seizure memo by the Hon'ble Apex Court.

4. It has further been contended on behalf of learned counsel for the petitioner that by issuing the aforementioned notice/show-cause notice for personal hearing, the opposite parties have committed gross contempt of the judgment passed by a Division Bench of this Court in Letters Patent Appeal No. 1302 of 2019.

5. Per contra the learned Assistant Solicitor General for the Union of India has stated that LPA bearing No. 1302 of 2019 was allowed and the judgment dated 05.09.2019 passed in CWJC No. 6563 of 2019 by a learned Single Judge of this Court was set aside. The writ petitioner's prayer for quashing the seizure memo dated 06.02.2019, as well as all consequential actions seizing the goods and vehicle in question was allowed, with a further direction to the authorities concerned to forthwith release the goods.

6. In compliance thereof, vide order dated 03.02.2020,



issued under the signature of the Assistant Commissioner, Customs (P) Division, Forbesganj, the goods were released, subject to an undertaking to be filed by the petitioner to the effect that the implementation of the order would abide by the final order to be passed by the Hon'ble Apex Court in any appeal, if preferred by the department.

7. It was further contended that the Union of India preferred Special Leave Petition (C) No. 7146 of 2021 against the final judgment and order dated 20.12.2019 passed in LPA No. 1302 of 2019. The same was heard, and by order dated 15.09.2022, the Hon'ble Supreme Court of India was pleased to dispose of the appeal preferred by the Union of India by observing that, as the goods have already been released, we are not inclined to interfere with the decision of the High Court quashing the seizure memo. However, we clarify that the quashing of the seizure memo does not mean that the appellants cannot investigate and proceed in accordance with law under the provisions of the Customs Act, 1962.

8. It has been contended by the respondents that in view of the liberty granted by the Hon'ble Supreme Court of India vide its order dated 15.09.2022, the notice for personal hearing was issued on 12.08.2025. The relevant part of order



dated 15.09.2022 is reproduced herein below:-

“However, we clarify that the quashing of the seizure memo does not mean the appellants cannot investigate, and proceed in accordance with law under the provisions of the Customs Act, 1962.”

9. It has been informed by the learned counsel appearing on behalf of the petitioner that a writ petition bearing CWJC No. 16786 of 2025 has already been filed, challenging the action of the opposite parties in issuing notice for personal hearing by letter dated 12.08.2025 and by order dated 16.10.2025 passed in CWJC No. 16786 of 2025, by a Division Bench of this Court, the respondents have been directed to file counter affidavit before 07.11.2025. The matter was directed to be listed on 07.11.2025. The above-mentioned writ petition is still pending for adjudication before this Court.

10. From the documents on record and the pleadings advanced by learned counsel for the parties, we are of the opinion that no case of contempt is made out. We find that there is no violation of the judgment and order dated 20.12.2019 passed in LPA No. 1302 of 2019 and the opposite parties have acted in terms of the liberty granted by the Hon’ble Apex Court in SLP(C) No. 7146 of 2021 vide order dated 15.09.2022.



Accordingly, the present contempt petition is dismissed.

(Sudhir Singh, J)

(Ritesh Kumar, J)

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