26
06.10.2026
Ct. No.6
P.A./A,P

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri
Constitutional Writ Jurisdiction

WPA No. 2006 of 2026

Manoj Kumar
v/s
Union of India and Ors.

Mr. Arijit Bose
Mr. Mahesh Panwar
Mr. Sisir Kr. Roy
Mr. Anjali Roy
Mr. Aditya Anand
...for the petitioner.

Mr. Ratan Banik
Mr. Bishwa Raj Agarwal
...for the Respondents..

The petitioner seeks release of the seized goods and vehicle by the Joint Commissioner of Customs, Kolkata.

Learned counsel for the petitioner takes this Court to an order passed by the Deputy Commissioner, Bureau of Investigation (North Bengal) dated 14th July, 2026 wherein the said authority has directed release of the goods which were inspected by him and found to be in good condition. The letter also states that no discrepancy is noticed either in the documents or in the physical verification of goods. Pursuant to representations

submitted by the driver and helper of the vehicle, the Assistant Commissioner of Customs, by a letter issued on 13th August, 2026, recorded that the goods did not conform to the prescribed standard and were unsafe for human consumption. He observed that the goods were prima facie liable for confiscation. By a subsequent letter issued on 14th August, 2026, the goods and vehicle were provisionally released. However, a corrigendum was issued by the authority on 20th August, 2026 whereby only the seized vehicle was directed to be released.

Opposing the prayer of the petitioner, learned counsel for the Customs authority submits that the goods were seized under Section 110 of The Customs Act, 1962. An application has been made before the jurisdictional Magistrate for certifying a correctness of the inventory, which is pending. Also, the order passed by the Customs authority is appealable under Section 128 of the Act of 1962. The writ petition is not maintainable, since the statutory remedy has not been availed of by the petitioner.

On prayer of the petitioner, liberty is granted to prefer a statutory appeal under Section 128 of the Act before the appropriate authority, ventilating his grievance. In the event such appeal is preferred, the

appropriate authority shall deal with the same as expeditiously as possible.

The writ petition is disposed of accordingly.

There shall however be no order as costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to have been admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)