
(1991) 03 AHC CK 0026
In the Allahabad High Court
Case No : Civil Misc. Writ No. Nil of 1991

Amar Deo Singh

APPELLANT

Vs

Union of India (UOI), Addl. CC and Another

RESPONDENT

Date of Decision : 26-03-1991

Acts Referred:

Customs Act, 1962 — Section 143

Citation : (1992) 40 ECR 308

Hon'ble Judges : B.P. Jeevan Reddy, C.J;S.R. Singh, J

Bench : Division Bench

Judgement

B.P. Jeevan Reddy, C.J.—The petitioners grievance is that his truck bearing No. WMK 7695 was seized along with goods being carried therein on the night intervening 10th/11th January, 1991 at Nichlawl. A panchnama and a recovery memo have been prepared evidencing this seizure. The petitioner who claims to be the owner of the truck, states that he was not aware of the alleged irregularity and that the truck in any event need not be kept under the respondent's custody since he would be suffering great and irreparable loss deprived of the use of his truck.

2. Without going into the merits of this case, we direct the respondents to release the aforesaid truck to its owner, on his depositing a sum of Rs. 1000/- and executing bond in the sum of Rs. 4,00,000/- as required by Section 143 of the Customs Act.

3. As soon as the bond is executed and the money is deposited, the truck shall be released forthwith.

4. The petitioner shall not alienate the said truck pending the said proceeding.

5. The writ petition is disposed of with the aforesaid directions.