

(1990) 05 AHC CK 0008

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 452 of 1990

Noor Ahmad

APPELLANT

Vs

Union of India (UOI) and Another

RESPONDENT

Date of Decision : 25-05-1990

Acts Referred:

Citation : (1990) 31 ECR 349

Hon'ble Judges : B.P. Jeevan Reddy, C.J;R.K. Gulati, J

Bench : Division Bench

Judgement

1. This writ petition is directed against an interim order passed by the second respondent, releasing the truck on the condition of petitioner's executing a bond of Rs. 2,00,000/- and furnishing a bank guarantee for a sum of Rs. 50,000/-.

2. The truck of the petitioner was apprehended and it was found containing smuggled goods. It is not disputed that if it is proved that the offence was committed with connivance of the petitioner, the truck would be confiscated. The value of the truck is about Rs. 2,30,000/-. Having regard to the particular facts and circumstances of the case, while affirming the condition of executing the bond of a sum of Rs. 2,00,000/-, reduce the amount of bank guarantee from a sum of Rs. 50,000/- to Rs. 30,000/- the bank guarantee to be furnished by the petitioner for getting release of the truck. It is further directed that before releasing the truck in favour of the petitioner Shri Noor Ahmad, the respondent No. 2 shall ensure that the truck is registered in his own name.

3. With the aforesaid directions the writ petition is disposed of.

4. Let a certified copy of this order be given to learned Counsel for the parties, on payment of usual charges, within two days.