

GAHC010103222026



2026:GAU-AS:7574

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Crl.Rev.P./286/2026

MD NAZIR HUSSAIN LASKAR
SON OF LATE MOHAAD MUZAMIL ALI,RESIDENT OF VILLAGE BORDOLOI
PATHAR, POLICE STATION LANKA,POST OFFICE TINIALI
BAZAR,DISTRICT- HOJAI, ASSAM, PIN-782446,

VERSUS

THE UNION OF INDIA AND ANR
TO BE REPRESENTED BY THE STANDING COUNSEL CUSTOMS
DEPARTMENT.

2:ABHIJIT KUMAR

INSPECTOR/SEIZING OFFICER
CUSTOMSPREVENTIVE FORCE BADARPROPOSITE TAGORE SCHOOL
OFSTUDIES
BADARPURGHAT
BADARPUR
KARIMGANJ
SRIBHUMI
ASSAM
PIN 78880

Advocate for the Petitioner : ALHAJJ I UDDIN, MR ROBIUL HOQUE,MRS. R MOMTAZ

Advocate for the Respondent : SC, CUSTOMS,

**BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

ORDER

Date : 01.06.2026

- 1.** Heard Mr. A. I. Uddin, learned counsel for the petitioner. Also heard Ms. P. Uppadhyay, learned counsel appearing on behalf of the Customs Department.
- 2.** This is an application under Section 438/442 of the Bharatiya Nagarik Suraksha Sanhita, 2023 read with Article 227 of the Constitution of India, challenging the Order dated 31.03.2026, passed by the learned Superintendent of CPF, Badarpur.
- 3.** A truck bearing Registration No.AS-08-C-3453 was seized by the Customs Department. Learned Chief Judicial Magistrate, Cachar, Silchar vide order dated 08.01.2026 allowed the prayer of custody of the said vehicle with certain conditions. Subsequently, the Superintendent of CPF, Badarpur had put another condition requiring deposit of security equivalent not less than 30% of the value of the vehicle. The petitioner is aggrieved by this order of the Superintendent of CPF, Badarpur.
- 4.** Section 110A of the Customs Act, 1962 empowers the Superintendent of CPF to put conditions before releasing the seized vehicle to its owner.
- 5.** I have considered the submissions made by the learned counsel for both sides.
- 6.** This Court is of the opinion that the condition imposed by the Superintendent of CPF, Badarpur has in fact nullified the order 08.01.2026, passed by the learned Chief Judicial Magistrate, Cachar, Silchar.
- 7.** The Superintendent of CPF cannot act like this under Section 110A of the

Customs Act, 1962. He has the power to put certain conditions but, he cannot nullify the lawful order passed by a Court of law.

8. Therefore, this order asking for depositing of security equivalent to not less than 30% of the value of the vehicle is bad in law. This part of the order of the Superintendent of CPF, Badarpur is set aside accordingly.

9. With the aforesaid direction, this criminal revision petition stands disposed of.

JUDGE

Comparing Assistant