

Form of Bond under Section 106 of the Sea Customs Act, 1878

KNOW ALL MEN BY THESE PRESENTS that we of (here in after called "the Owner" which expression shall include his heirs, executors, administrators and legal representatives) and of (here in after called "the Surety" which expression shall include his heirs, executors, administrators, and legal representatives) are held and firmly bound jointly and severally unto the President of India (hereinafter called "the Government" which expression shall include his successors and assigns) in the sum of Rs. of lawful money of India to be paid to the Government for which payment to be well and truly made we the owner and the surety jointly and severally bind ourselves. Sealed with our respective seals dated the day of two thousand and and each of us the said owner and the said surety do hereby covenant with the Government that if any suit shall be brought touching the subject matter of this obligation or the conditions hereunder written in any court subject to the superintendence of the High Court of Judicature at other than the said Court in its Original Jurisdiction the same shall and may at the instance of the Government be removed into, tried and determined by the said High Court in its extraordinary Original Jurisdiction.

WHEREAS THE said owner applied to the Commissioner of Customs at being the Chief Officer of Customs of the said port to permit the removal of the goods fully described and specified in the Schedule to this Bond from the Warehouse at to the Warehouse at.....

AND WHEREAS the said Commissioner of Customs has granted permission for the removal of the said goods to the port of on condition of the said owner and on sufficient surety executing such bond as above written and the said surety..... as accordingly such surety agreed to execute the said bond with such conditions as hereunder written.

Now the condition of the above-written Bond is such that if the said owner shall and will cause the said goods to be fully and safely removed to the said port of and to be there produced to the proper officer and duly re-warehoused at the said port of within from the date of the above bond or cause the said goods to be otherwise accounted for to the satisfaction of such officer and shall and will produce to the Commissioner of Customs for the time being at a certificate duly signed by the proper officer of Customs at the said port of of the whole of the said goods having been duly re-warehoused at the said last mentioned port. And also if the said owner shall and will, from time to time, and at all time hereafter upon demand by the proper officer of the Government duly authorised in that behalf pay to the said Government the full Customs duties payable upon or in respect of all goods so permitted to be removed as aforesaid, then the above-written bond shall be void and have no effect otherwise it shall remain in full force and effect.

*It is hereby agreed that any amount that may be due from me/us under this Bond may be recovered in the manner laid down in sub-section (i) of Section 142 of the Customs Act, 1962.

SCHEDULE ABOVE REFERRED TO

Signed by the owner

In the presence of

Witnesses.

Signature of the owner.

Signed by the surety

In the presence of

Witness.

Signature of the surety.

NOTE :- And it is hereby declared that the liability of the surety hereunder shall not be impaired or discharged by reason of time being granted or by any forbearance, act or omission of the President of India or of any person authorised by him (whether with or without the consent or knowledge of the said surety) nor shall it be necessary for the President to sue or take any steps or proceedings against the saidbefore suing or taking any steps or proceedings against the said surety For the amount due hereunder