

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8595 of 2018

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1. Ravindra Kumar Yadav Son of Tarni Yadav Resident of Village-Bargama, P.S.-Hasanpur, Dist.-Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Excise & Prohibition, Government of Bihar, Patna.
3. The Excise Commissioner, Department of Excise & Prohibition, Government of Bihar, Patna.
4. The District Magistrate Cum District Collector, Begusarai.
5. The Superintendent of Police, Begusarai.
6. The Station House Office, Police Station Gadhpura, District-Begusarai.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumar Binode Bariar

For the Opposite Party/s : Mr. Pushkar Narayan Sahi (Aag6)

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 07-03-2018

Heard learned counsel for the parties.

This application has been filed for modification of the order dated 08.11.2017 in Cr.WJC No. 1986 of 2017 whereby this Court had directed for release of the auto-rickshaw in favour of petitioner on execution of bank guarantee of Rs. 1,00,000/- (One Lac).

288 bottles of foreign liquor was recovered from the auto rickshaw of the petitioner.

Submission is that petitioner is not in a position to give bank guarantee for release of the vehicle.

This case is squarely covered by the judgment of a



Division Bench of this Court in **CWJC No. 13670 of 2017 (Subhash Thakur Vs. The State of Bihar & Ors.)** wherein, while releasing the vehicle in favour of the petitioner, the Division Bench ordered for release of the vehicle, considering recovery of commercial quantity, on furnishing bank guarantee equivalent to the value of the vehicle. Hence there is no question of review of the quantum of bank guarantee.

This application stands dismissed.

(Birendra Kumar, J)

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