

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13664 of 2018

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Deepak Kumar, Son of Saryug Prasad, Resident of Village- Sirsa Maanpur,
P.S.- Baikunthpur, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through its principal Secretary, Excise Department, Govt. of Bihar, Old Secretariat, Patna.
2. The District, Magistrate Saran.
3. The Superintendent of Police, Saran.
4. The S.H.O. Mashrakh Police Station, Saran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar Singh, Advocate
For the Respondent/s : Mr. Vikash Kumar- SC 11

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 20-07-2018 Petitioner had earlier approached this Court by filing a writ petition being CWJC No.5808 of 2018 and on 03.04.2018, the vehicle was directed to be released on furnishing of bank guarantee to the satisfaction of the District Magistrate. Now, the grievance of the petitioner is that the District Magistrate has valued the vehicle at Rs.5,00,000/- and is insisting upon submitting a bank guarantee of Rs.5,00,000/- for release of the vehicle. By bringing on record documents to show that the vehicle was purchased in the year 2008 and its valuation at Rs.5,00,000/- is on the higher side, the writ petition has been filed challenging the valuation of the vehicle.

From the documents available, namely the certificate



of registration, it is seen that the vehicle was registered with the statutory authority in the year 2008 and if the vehicle was purchased and registered in the year 2008, the valuation of the vehicle has to be done at a lower price and *prima facie* valuation at Rs.5,00,000/- and insisting upon bank guarantee of Rs.5,00,000/-, in our considered view, cannot be proper. However, we have been consistently directing the authorities concerned to pay surety or insist upon bank guarantee based upon the valuation of the vehicle as is indicated in the insurance document of the vehicle.

Accordingly, we direct that on the petitioner filing a certified copy of this order and furnishing documents, like insurance certificate policy or other material, to show the valuation of the vehicle, the District Magistrate shall insist upon submission of a bank guarantee based on the valuation done in the insurance document and other authentic documents, as may be produced by the petitioner. On petitioner producing the insurance document along with certified copy of this order, the District Magistrate shall pass a modified order with regard to valuation of the vehicle and payment of bank guarantee within one week thereof.

With the aforesaid, the application is allowed and the



impugned order, Annexure-4 dated 17.04.2018 quashed.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

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