

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15744 of 2018

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Amir Rai @ Ameer Ray, S/o Devarajit Ray, Resident of Village- Laxmipur,
P.O. & P.S.- Muffasil (Motihari), District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Prohibition, Excise Registration Department, Government of Bihar, Patna.
2. The Principal Secretary, Prohibition Excise Registration Department, Government of Bihar, Patna.
3. The Commissioner, Prohibition Excise Registration Department, Government of Bihar, Patna.
4. The Collector, East Champaran at Motihari.
5. The Superintendent of Police, East Champaran at Motihari.
6. The Additional Collector-cum-Chairman, Auction Committee, East Champaran at Motihari.
7. The District Transport Officer, East Champaran at Motihari.
8. The Superintendent of Excise, East Champaran at Motihari.
9. The Motor Vehicle Inspector, Dhaka, East Champaran at Motihari.
10. The Sub Divisional Officer, Dhaka, East Champaran at Motihari.
11. The Sub Divisional Police Officer, Dhaka, East Champaran at Motihari.
12. The Officer-in-charge P.S. Kundra Chainpur, Dhaka, East Champaran at Motihari.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Madhav Jha
For the Respondent/s : Mr.Kumar Manish- Sc5

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

2 20-12-2018 This application has been filed for setting aside the order dated 25.01.2018 passed by the Collector, East Champaran at Motihari in Utpad Adhiharan Case No. 827 of 2017. The order impugned is contained in Annexure-10 to the writ application.

Learned counsel for the petitioner submits that



pursuant to the order dated 18.01.2018 passed by the Hon'ble Division Bench of this Court in C.W.J.C. No. 265 of 2018 when the petitioner approached the office of the Collector, East Champaran at Motihari for release of the vehicle, the impugned order has been passed directing him to deposit a bank guarantee of Rs. 10 lakhs. It is this order which has been challenged in the present writ application on the grounds inter alia that the Collector has failed to appreciate that the valuation of the vehicle in question is not Rs. 10 lakhs as on date and in no case the State is going to recover that much money by sale of the vehicle in question.

Learned counsel further submits that in all such cases where this Court has been directing for submission of bank guarantee, it has been clarified in various cases that the bank guarantee shall be to the extent of the value of the vehicle as indicated in the insurance document.

Learned counsel for the State is present and accepts the position that this Court has been so directing in several cases to accept the bank guarantee to the extent of the value of the vehicle as indicated in the insurance document.

In the aforesaid view of the matter, we are of the view that the order dated 25.01.2018 impugned in the present



application is liable to be set aside. It is set aside accordingly and the Collector, East Champaran at Motihari is directed to accept the bank guarantee to the extent of the value of the vehicle as indicated in the insurance document and on deposit of such bank guarantee with compliance of other requirements if any in the order dated 09.01.2018 passed in C.W.J.C. No. 265 of 2018, the vehicle in question shall be released within a period of seven days from the date of submission of the bank guarantee.

This application is, therefore, allowed to the extent indicated above.

(Jyoti Saran, J)

(Rajeev Ranjan Prasad, J)

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