

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3984 of 2018

In
Civil Writ Jurisdiction Case No.5419 of 2018

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Zarina Khatoon

... .. Petitioner/s

Versus

The State Of Bihar & Ors

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Tej Pratap Singh

For the Respondent/s : Mr. Pushkar Narayan Sahi - Aag 6

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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 05-12-2018 While defects no. 1 and 2 are ignored, leave is granted to the learned counsel for the petitioner to remove defect no.3 during the course of the day.

With the consent of the parties the matter is taken up for consideration.

We do not find any reason to modify the order dated 9.4.2018 passed in Civil Writ Jurisdiction Case No. 5419/2018 in which the condition to furnish Bank guarantee has been imposed by this Court only taking into note of the huge quantity of liquor from the vehicle. Invariably wherever more than 30 litres of liquor has been recovered, this Court has imposed this condition.



We however note that the condition may be modified to the extent that instead of a Bank guarantee for Rs. Seven lakhs the petitioner shall furnish Bank guarantee to the extent of the value of the vehicle as indicated in the insurance document. Subject to other conditions mentioned in the order dated 9.4.2018, the District Magistrate cum Collector, Saran shall pass fresh order for release.

Accordingly, we direct that the District Magistrate cum Collector, Saran shall not insist for the Bank guarantee of Rs.7 lacs and shall modify his order accordingly.

M.J.C. application is allowed to the extent indicated above.

(Jyoti Saran, J)

(Rajeew Ranjan Prasad, J)

Surendra/-

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