

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3395 of 2018

In
Civil Writ Jurisdiction Case No.5725 of 2018

Vijay Chaudhary, Son of Sitaram Chaudhary, Resident of Village- Kamlabari
Goth, P.S. Jaynagar , District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Bihar Prohibition and Excise, Bihar, Patna.
2. The Collector-cum-District Magistrate, Madhubani.
3. The Superintendent of Police, Madhubani.
4. The Superintendent of Excise, Madhubani.
5. The Sub Inspector of Police Laukaha P.S., District- Madhubani.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ratanakar Jha, Advocate

For the Opposite Party/s : Mr. Vikash Kumar, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

3 26-06-2019 Prayer in this application is to modify the order dated 03.04.2018 passed in CWJC No.5725 of 2018 by which while directing provisional release of the vehicle in question, this Court had imposed certain conditions for release of the vehicle. In terms of those conditions, the petitioner furnished the bank guarantee to the satisfaction of the District Magistrate, Madhubani.

Learned counsel for the petitioner submits that the petitioner is unable to obtain the bank guarantee and for that reason he is seeking modification with regard to the said condition.



Learned counsel for the State submits that the condition whereunder the petitioner was directed to provide the bank guarantee is consistent with several orders passed by this Bench in similar cases. Learned counsel for the State further submits that the District Magistrate has directed the petitioner to furnish the bank guarantee only to the extent of the value of the vehicle as reported by the District Transport Officer.

Having heard learned counsel for the parties, we are not inclined to modify the substantial condition of furnishing the bank guarantee as in several other cases the similarly situated we had taken the similar view. We are inclined to modify the order to the extent that the District Magistrate while calling for the bank guarantee shall consider that the petitioner if provides a bank guarantee to the extent of the value of the vehicle as indicated in the insurance document, the same be accepted for the purpose of release.

The applications stands disposed of accordingly.

(Amreshwar Pratap Sahi, CJ)

(Rajeev Ranjan Prasad, J)

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