

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6914 of 2019

In
CRIMINAL MISCELLANEOUS No.65703 of 2018

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M/S. BOMBAY KANDLA TRANSPORT (P) LTD Having its registered Office at 58, 1st floor, TPT, CTR, Azad Kund, Delhi through its authorized signatory Rajeev Kumar Thakur, S/O Lal Babu Thakur, Resident of C-412, Main Road, Bhajanpura, Garhi Mendu, P.S. Azadpur, District- New Delhi

... .. Petitioner/s

Versus

1. The State Of Bihar Through Principal Secretary, Deptt. Of Home, Govt. Of Bihar, Patna Bihar
2. The Director General of Police, Bihar, Patna Bihar
3. The District Magistrate, Patna Bihar
4. The Senior Superintendent of Police, Patna Bihar
5. The Superintendent of Police (Rural), Patna Bihar
6. The Officer in Charge cum Investigating Officer, Parsa Police Station, Patna Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailesh Kumar
For the Opposite Party/s : Dr. Mankeshwar Tiwari, AC to AAG-3

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 26-04-2019 This is a second attempt to obtain modification of the order dated 31.10.2018 passed in Cr.Misc.No.65703 of 2018. Earlier on 31.10.2018, the said order was modified at the instance of the petitioner by directing that in place of submission of two local sureties, if the petitioner company through its authorized director submits a fixed deposit/irrevocable bank guarantee of Rs. 15,00,000/- provided by a scheduled bank, in the court below and keeps on renewing



the vehicle in question shall be released. Earlier the condition of two local sureties was imposed because the truck is registered in the State of Haryana, therefore, in order to protect the interest of the State, two local sureties were required. However, when the petitioner submitted that there is no office of the company at Patna and despite best efforts they were unable to arrange for two local sureties, this Court modified the order allowing the petitioner to submit a fixed deposit/irrevocable bank guarantee.

Now by a change of lawyer second modification has been filed. This time, the submission is that the petitioner is unable to submit fixed deposit or irrevocable bank guarantee.

This Court is of the considered opinion that the attempt of the petitioner to get rid of the conditions is not bona-fide. The interest of the State is required to be protected and for that reason the Court would not be willing to modify its order dated 31.10.2018.

This application is wholly misconceived and is, accordingly, dismissed.

(Rajeev Ranjan Prasad, J)

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