

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.359 of 2019

In
Civil Writ Jurisdiction Case No.8747 of 2018

=====

Nagesh Sah S/o Jay Ram Sah, A resident of Chetan, Chapra, P.S.- Baniyapur,
District- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Excise Department,
Government of Bihar, Patna.
2. The Collector-cum-District Magistrate, Saran, Chapra.
3. The Superintendent of Police, Saran, Chapra.
4. The Excise Superintendent, Saran, Chapra.
5. The Sub Divisional Police Officer, Saran, Chapra.
6. The Station House Officer, Manjhi, Saran.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Harish Kumar
For the Opposite Party/s : Mr.Pushkar Narain Shahi (Aag6)

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

3 03-07-2019 Heard learned counsel for the petitioner and learned
counsel representing the State.

The present application has been preferred seeking a
modification of the terms and condition as contained in order
dated 16.05.2018 passed in C.W.J.C. No. 8747 of 2018 insofar
as it directs that on petitioner's furnishing the Bank Guarantee
to the satisfaction of the District Magistrate, Saran, Chapra the
vehicle in question shall be released. There are other conditions



but with regard to those learned counsel for the petitioner has not raised any issue.

It is contended that the petitioner is a poor person and his vehicle under seizure is a Tempo which was being used for earning his livelihood. Altogether 34 liters and 50 ml. of illicit liquor is said to have been recovered. The prayer is that the condition of furnishing Bank Guarantee may be modified by allowing the petitioner to furnish any other security to the sanctification of the District Magistrate, Saran, Chapra to the extent of the value of the vehicle as indicated in the insurance document.

In some of the cases recently considered by this Court, we have taken a view that in case of vehicle being a Tempo which was being used for earning livelihood by the petitioner and the quantity of illicit liquor is not an alarming quantity, the condition of furnishing Bank Guarantee may be relaxed.

Accordingly, in tune with our view taken in some of the cases, we modify the order dated 16.05.2018 passed in C.W. J.C. No. 8747 of 2018 by allowing the petitioner to furnish any other security to the extent of the value of the vehicle as indicated in the insurance document to the satisfaction of the



District Magistrate, Saran, Chapra. He will also comply with the other conditions mentioned in the order dated 16.05.2018. On his compliance with the aforesaid order, the District Magistrate, Saran, Chapra shall not insist for furnishing of the Bank Guarantee.

This application stands disposed off.

(Amreshwar Pratap Sahi, CJ)

(Rajeev Ranjan Prasad, J)

avin/-ved

U			
---	--	--	--

