

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1160 of 2019

In
Civil Writ Jurisdiction Case No.15121 of 2018

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Dinesh Kumar Son of Ram Deyal Prasad Singh Resident of Village Sadarpur
Sector 45 Noida P.S. Sector 39 Noida District G.B.Nagar Nodia.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Bihar, Prohibition and Excise Department Bihar, Patna
2. The Excise Commissioner Bihar, Prohibition and Excise Department Bihar, Patna.
3. The Excise Officer, Bihar Prohibition and excise Department Vaishali at Hajipur
4. The District Magistrate Vaishali at Hajipur
5. The Superintendent of Police Vaishali at Hajipur
6. The Officer Incharge of Lalganj Police Station Vaishali at Hajipur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar Verma, Advocate

For the Opposite Party/s : Mr.Anil Kumar Sinha (GA1)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

3 07-08-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

The prayer in this writ application is to modify the
order dated 01.08.2018 passed in C.W.J.C. No. 15121 of 2018
whereby while granting provisional release of the vehicle we
had directed the petitioner to furnish a Bank Guarantee to the
satisfaction of the District Magistrate, Vaishali at Hajipur.

Learned counsel for the petitioner submits that the



petitioner is unable to furnish the Bank Guarantee and he may be allowed to furnish any document of title of immovable property.

However, learned counsel for the State submits that the petitioner being the resident of another State and the vehicle is registered in the State of Haryana, it would only be just and proper to secure the interest of the State the petitioner may be directed to furnish Bank Guarantee.

We have taken a consistent view in such matters where the vehicle is registered outside the State that the Bank Guarantee should be furnished for provisional release of the vehicle.

We find no reason to modify our order save and except to the extent that the Bank Guarantee will be to the extent of the value of the vehicle as indicated in the insurance document. Rest of the conditions shall remain intact.

This application stands disposed of.

(Amreshwar Pratap Sahi, CJ)

(Rajeev Ranjan Prasad, J)

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