

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27591 of 2019

In
Criminal Writ Jurisdiction Case No.1396 of 2018

Arising Out of PS. Case No.-48 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Vaishali

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RAMDAYAL RAY, Son of Mahesh Ray, Resident of Village - Lawapur
Mahnar Ward No. 9, P.S.- Mahnar, Distt - Vaishali.

... .. Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, Prohibition, Excise and Registration Department, Govt. of Bihar, Patna
2. The District Magistrate, Vaishali at Hajipur.
3. The Superintendent of Excise, Vaishali at Hajipur
4. The Excise Sub-Inspector, Task Force, Vaishali at Hajipur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mukesh Kumar
For the Opposite Party/s : Mr.Shyam Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 16-08-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner, in the present case, is seeking modification of the conditions imposed by this Court in its order dated 24.07.2018 passed in Cr.W.J.C. No.1396 of 2018. By the said order, while granting provisional release of the vehicle in question, this Court had directed the petitioner to provide two sureties along with a bank guarantee for the value of the vehicle in question as indicated in the insurance document.

Learned counsel for the petitioner submits that the



vehicle in question is a Maruti Suzuki Alto and it is a private vehicle of the petitioner which was being used for only family purposes, the vehicle was taken on loan from the private financier and he is unable to produce the bank guarantee because of the financial constraints but is willing to provide immovable property lying within the jurisdiction of the District Magistrate of sufficient value as security.

Learned counsel for the State is present and submits that the concern of the State is to protect its interest by directing the petitioner to provide adequate security.

In the given facts and circumstances of the case, finding that it is a Maruti Suzuki Alto 800 car which is in the nature of a smaller car normally meant for the family and the petitioner is ready to provide adequate security by way of deposit of title deed of the immovable property within the jurisdiction of the District Magistrate, Vaishali at Hajipur, this Court directs that the condition of furnishing bank guarantee in its order dated 24.07.2018 stands substituted to the extent that in place of bank guarantee the petitioner shall furnish the original title deed of the immovable property in his name lying within the jurisdiction of the District Magistrate, Vaishali at Hajipur to secure interest of the State. The rest of the conditions shall



remain intact. On the petitioner’s fulfilling the condition with the modification as above, the vehicle in question shall be released.

This modification application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

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