

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2005 of 2019

In
Civil Writ Jurisdiction Case No.6813 of 2019

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Sunil Kumar Son of Khilari Singh, Resident of House No. A-1, Rampark,
P.S.-Loni Dehat, District-Ghaziabad.

... .. Petitioner

Versus

1. The State of Bihar through the Principle Secretary, Food and Civil Supplies,
Bihar, Patna.
2. The District Magistrate Hajipur at Vaishali.
3. The Block Supply Officer, Desari, District-Hajipur at Vaishali.
4. The Station House Officer, Desari Police Station, District-Hajipur at
Vaishali.

... .. Opposite Parties

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Appearance :

For the Petitioner/s : Mr.Mrigank Mauli, Adcovate
Mr.Prince Kumar Mishra, Advocate
For the Opposite Party/s : Mr.S. Raza Ahmad, AAG-5

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 19-06-2019 Heard learned counsel for the petitioner and the State.

Learned counsel for the petitioner submits that value of the vehicle as indicated in the insurance document is Rs. 36,10,000/- and the petitioner is furnishing two sureties to the extent of the value of the vehicle but the District Magistrate, Vaishali is insisting for submission of both the sureties for Rs. 36,10,000/- meaning thereby that the sureties required for purpose of provisional release of vehicle would be Rs. 72,20,000/-.

Learned counsel submits that this view taken by the



District Magistrate, Vaishali is causing difficulties to the petitioner in furnishing the sureties and it would be against the spirit of the order passed by this Court while directing provisional release of the vehicle.

Learned AAG-5 representing the State submits that the interest of the State is required to be protected while accepting the sureties by the District Magistrate, Vaishali and only keeping in view that aspect the District Magistrate is looking for surety of Rs. 36,10,000/- from the both the persons who are willing to stand as surety on behalf of the petitioner.

In the opinion of this Court the order dated 11.04.2019 passed in C.W.J.C. No. 6813 of 2019 is to be understood balancing the interest of both the parties. While the petitioner is entitled for provisional release on fulfilling the condition prescribed by this Court, the District Magistrate, Vaishali would be justified in protecting the interest of the State to the extent it is required by securing the sureties to the extent of the value of the vehicle as indicated in the insurance document.

The order dated 11.04.2019 is, thus, clarified to the effect that in case both the sureties offered by the petitioner together secure a sum of Rs. 36,10,000/- in favour of the State,



the District Magistrate, Vaishali at Hajipur shall accept the same
for purpose of grant of provisional release.

Rest of the order shall remain intact.

(Rajeev Ranjan Prasad, J)

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