

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2608 of 2019

In
Civil Writ Jurisdiction Case No.5528 of 2019

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Manoj Kumar Jha, S/o Shri Batohi Jha, R/o Village- Pursauliya, P.S. Kaluahi,
District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,
Govt. of Bihar, Old Secretariat, Patna.
2. District Magistrate, Darbhanga.
3. Superintendent of Police, Darbhanga.
4. District Supply Officer (Excise), Darbhanga.
5. Station Head Officer, Raiyam, Darbhanga.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Baidya Nath Thakur, Adv.
For the Opposite Party/s : Mr. Pushkar Narain Shahi, AAG-)

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

2 05-08-2019 This application is filed for modification of the order dated 19.04.2019 passed in CWJC No. 5528 of 2019 in so far as the condition imposed in the order is concerned which gives option to the petitioner to furnish 'a surety' along with either Bank Guarantee or original title deed of immovable property situated within the district where the occurrence has taken place, to the extent of the value of the vehicle as indicated in the insurance document.

Mr. Baidya Nath Thakur, learned counsel appearing for the petitioner submits that while the petitioner has no landed property



in the district of Darbhanga where the occurrence took place, he has property in the district of Madhubani but which is not the condition of release.

Having considered the submissions of Mr. Thakur as well as the State we are of the opinion that the condition of furnishing the original title deed of immovable property situated within the district to the extent of the value of the vehicle as indicated in the insurance document, has a reason behind it and that is because the Registrar and the Adjudicating Authority under the Bihar Prohibition and Excise Act, 2016 are one and same. Besides, since the option is available to the petitioner to either furnish Bank Guarantee on the basis of assets in the district of Madhubani or to furnish title deed papers of a property in the district where occurrence took place, the petitioner can well avail of the option to furnish a Bank Guarantee.

In such view of the matter, we are not persuaded to grant indulgence to the prayer made in the modification application which is accordingly disposed of.

(Jyoti Saran, J)

(Anjani Kumar Sharan, J)

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