

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2662 of 2019

In
Civil Writ Jurisdiction Case No.5901 of 2019

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Paro Singh @ Paaro Singh, S/o Late Arjun Singh, resident of Village
Piparpanti, Ward No. 7, P.S. Pasaraha, District- Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Prohibition, Excise and
Registration Department, Govt. of Bihar, Patna.
2. The Excise Commissioner, Prohibition, Excise and Registration Department,
Govt. of Bihar, Patna.
3. The District Magistrate, Jamui, Dist. Jamui
4. The Superintendent of Police, Jamui, Dist. Jamui
5. The Sub Inspector of Excise Jamui, Dist. Jamui

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amar Prakash, Adv.

For the Opposite Party/s : Mr. Pushkar Narain Shahi, AAG- 6

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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 Heard the parties.

This application is filed for modification of our order dated 22.04.2019 passed in CWJC No.5901 of 2019 in so far as the condition imposed for release of the vehicle is concerned whereunder the petitioner has been directed to furnish one local surety along with a Bank Guarantee or original title deed of immovable property situated within the district.

Learned counsel for the petitioner submits that the petitioner is a resident of the district of Khagaria in the State of Bihar and not a resident of different State and since the alleged occurrence



has taken place in the district of Jamui, in absence of any property etc. in the district of Jamui, the release order cannot be pursued and thus no relief would flow to the petitioner.

Having heard learned counsel for the parties and considering that the petitioner is a resident of the district of Khagaria in the State of Bihar, we waive of the condition of furnishing 'local' surety and consequently the condition requiring the petitioner to furnish 'local' surety as occurring at paragraph 1 and the last paragraph at page 2 of the order dated 22.04.2019 passed on the writ petition shall stand modified to read as 'one surety' along with the Bank Guarantee or 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'. The other conditions present in the order shall continue as such.

The order dated 22.04.2019 passed in CWJC No.5901 of 2019 stands modified to that extent.

The modification application is allowed to the extent above.

(Jyoti Saran, J)

(Anjani Kumar Sharan, J)

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