

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2774 of 2019

In
Civil Writ Jurisdiction Case No.9802 of 2018

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Md. Shamim Akhtar @ Md. Shamim S/o Abdul Majid Resident of Mohalla -
Pothia, Dekabhinja, P.S. and District - Kishanganj.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secratary, Excise Department,
Bihar, Patna.
2. That Collector cum District Magistrate Purnea.
3. The Superintendent of Police Purnea.
4. The S.H.O. Dagarua Police Station P.S.-Dagarua, District - Purnea.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Jha, Advocate
For the Opposite Party/s : Mr. AC to AAg-6

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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)

2 14-08-2019 This application has been preferred seeking

modification of the conditions provided in the order dated

16.05.2018 passed in C.W.J.C. No. 9802 of 2018. While passing

the order of provisional release of the vehicle in question we

directed the petitioner to furnish the Bank Guarantee to the

satisfaction of the District Magistrate, Purnea.

Learned counsel for the petitioner submits that the

petitioner is unable to furnish the Bank Guarantee and in place

of the Bank Guarantee he may be permitted to provide any other



security.

Learned counsel for the State submits that considering the quantity of the illicit liquor recovered from the vehicle in question and the nature of the vehicle, this Court has been consistently imposing the condition of furnishing the Bank Guarantee in order to secure the interest of the State and there is no reason to take a different view in the matter.

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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