

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2808 of 2019

In
Civil Writ Jurisdiction Case No.8231 of 2018

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Nishu Das, W/o Chandan Kumar Das, Resident of Village- Gagaria, P.O.- Angar Hat,
Police Station- Angar, District- Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration and Excise Department, Govt. of Bihar Patna
2. The District Magistrate Kishanganj
3. The D.G.P. of Bihar, Patna
4. The Superintendent of Police, Kishanganj
5. The S.D.P.O., Kishanganj
6. The Superintendent of Excise Department, Kishanganj
7. The Station House Officer (S.H.O.) N/A
8. Kishanganj P.S.- Kishanganj, Distt.- Kishanganj

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pawan Kumar Singh, Adv.

For the Opposite Party/s : Mr. Pushkar Narain Shahi (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 11-09-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

This is the second attempt of the petitioner to get a modification of the original order dated 17.5.2018 passed by this Court in C.W.J.C. No.8231 of 2018. While directing provisional release of the vehicle and disposing of the writ application, this Court had imposed one of the conditions whereunder the petitioner was required to furnish a bank



guarantee to the satisfaction of the District Magistrate-cum-Collector, Kishanganj. When the petitioner represented before this Court that he is unable to furnish the bank guarantee, this Court refused to modify the order by observing that in several cases the Court has been taking the same view and it is not possible to deviate from the usual order in the present case. The modification application was rejected.

Once again, the petitioner has moved this Court seeking modification of the order. We find that the vehicle Scorpio was allegedly engaged in carrying illicit liquor. In the facts and circumstances of the present case, we find no reason to take a different view at this stage.

The application is rejected.

We, however, observe that if the petitioner furnishes the bank guarantee to the extent of the value of the vehicle as indicated in the insurance document and abides by the conditions as stated in the original order, the vehicle shall be released in his favour.

(Amreshwar Pratap Sahi, CJ)

(Rajeev Ranjan Prasad, J)

K.C.Jha/-

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