

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2869 of 2019

In
Civil Writ Jurisdiction Case No.14742 of 2018

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Vishnu Kant Singh Son of Vijay Singh, Resident of Village- Sonvarsha, Post Office- Badaki Kharai, Police Station- Kargahar, District- Rohtas.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise, Bihar, Patna.
2. The District Magistrate, Rohtas at Sasaram.
3. The Superintendent of Police, Rohtas at Dehri-on-Sone.
4. The District Excise Officer, Rohtas at Sasaram.
5. The S.H.O., Sasaram (Model) Police Station, District- Rohtas at Sasaram.

... .. Opposite Parties

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Appearance :

For the Petitioner/s : Mr.Rajani Kant Singh, Advocate
For the Opposite Party/s : Mr.Sanjeet Kumar Singh, 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 07-08-2019 Heard learned counsel for the petitioner and learned counsel for the State.

The prayer in this writ application is to modify the order dated 01.08.2018 passed in C.W.J.C. No. 14742 of 2018 whereby while granting provisional release of the vehicle we had directed the petitioner to furnish a Bank Guarantee to the satisfaction of the District Magistrate, Rohtas at Sasaram.

Learned counsel for the petitioner submits that the petitioner is unable to furnish the Bank Guarantee and he may



be allowed to furnish any document of title of immovable property.

However, learned counsel for the State submits that the petitioner being the resident of another State and the vehicle is registered in the State of Uttar Pradesh, it would only be just and proper to secure the interest of the State the petitioner may be directed to furnish Bank Guarantee.

We have taken a consistent view in such matters where the vehicle is registered outside the State that the Bank Guarantee should be furnished for provisional release of the vehicle.

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.

The application stands disposed of.

(Amreshwar Pratap Sahi, CJ)

(Rajeev Ranjan Prasad, J)

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