

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.4155 of 2018

In
Civil Writ Jurisdiction Case No.5177 of 2018

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Mithlesh Kumar @ Mithlesh Yadav Son of Ramchandra Yadav, Resident of
Village-Dharahara Kala, P.S.-Fatehpur, District-Gaya.

... .. Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary, Registration Excise And Prohibition Department, Government of Bihar, Patna.
2. The Collector/District Magistrate, Gaya, District-Gaya.
3. The Excise Deputy Commissioner, Gaya.
4. The Senior Superintendent of Police, Gaya.
5. The Superintendent of Excise, Gaya.
6. The Police Inspector Cum S.H.O. Fatehpur Police Station, District-Gaya.
7. The Police Sub-Inspector Charma Urawa Fatehpur Police Station, District-Gaya.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prithivi Raj Singh, Advocate
For the Opposite Party/s : Mr.Amresh Kumar Sinha, A.C. to G.A.1

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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 01-05-2019 Let the defect be ignored.

This application has been preferred for modification of the order dated 27.03.2018 passed in CWJC No. 5177 of 2018 by which while directing the provisional release of the vehicle in question, this Court had directed the petitioner to furnish bank guarantee to the satisfaction of the District Magistrate, Gaya.



Learned counsel for the petitioner submits that instead of bank guarantee petitioner may be allowed to furnish the original title deed of immovable property.

Learned counsel for the State however submits that in similar matters this court has imposed this condition of furnishing bank guarantee and there is no reason why in this case any deviation should be made.

Having heard learned counsel for the parties, we find no reason to deviate from our usual order which has been passed in similar matters of provisional release of the vehicle considering the quantum of illicit liquor which has been recovered. Petitioner will be obliged to furnish bank guarantee to the satisfaction of the District Magistrate, Gaya to the extent of the value of the vehicle in question as indicated in the insurance document.

This application stands disposed of accordingly.

(Amreshwar Pratap Sahi, CJ)

(Rajeev Ranjan Prasad, J)

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