

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3922 of 2018

In
Civil Writ Jurisdiction Case No.4496 of 2018

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Seeya Ram Ray @ Sitaram Ray, son of Shivmangal Ray, resident of Village-
Depahi, Police Station- Chiraiya, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise and Prohibition, Govt. of Bihar, Patna
2. The District Magistrate, Motihari, East Champaran.
3. The Superintendent of Police, Motihari, East Champaran.
4. The Officer-in- Charge of Ghorasahan (Jitna) Police Station, East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Vibhakar Kumar, Advocate
For the Respondent/s : Mr. Manish Kumar, A.C. 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)

3 16-01-2019 We have heard Mr. Vibhakar Kumar, learned counsel

for the petitioner and Mr. Manish Kumar, A.C. to AAG-6 for the

State of Bihar.

This application has been preferred seeking
modification of the order dated 15.03.2018 in its title portion.
The prayer of the petitioner is that while in the writ petition he
had disclosed his name as Seeya Ram Ray, since his name in the
Bank Account stands as Sitaram, the Bank Guarantee was issued
by the Bank describing his name as Sitaram. It is submitted that
when the said Bank Guarantee was presented before the District



Magistrate, Motihari, East Champaran, he found a discrepancy in the name of the petitioner mentioned in the order dated 15.03.2018 passed in C.W.J.C. No. 4496 of 2018 and the one mentioned in the Bank Guarantee, as a result thereof he refused to release the vehicle in question.

Learned counsel submits that in fact the petitioner whose name as recorded in the Aadhar Card is Seeya Ram Ray, has his alias name as 'Sitaram' and the Bank Account exists in his alias name as Sitaram. Learned counsel submits that the petitioner has sworn affidavit disclosing this fact before the Notary Public, Motihari, East Champaran on 28.07.2018, a copy of which has been enclosed as Annexure-2 to the present application. It is submitted that the District Magistrate may consider the affidavit and on being satisfied should release the vehicle in question in compliance of the order of this Court.

Learned counsel for the State is present.

In the facts and circumstances which have been placed before us, even though we find that in the Aadhar Card, a copy of which has been enclosed as Annexure-1 to the present application, the name of the petitioner is Seeya Ram Ray, the affidavit sworn by the petitioner is required to be considered by the District Magistrate, Motihari in the totality of the



circumstances explained by the petitioner. The petitioner shall produce a duly attested copy of his Pass Book containing his name as Sitaram showing the same parentage as described in the Aadhar Card together with an affidavit sworn before a Notary Public, afresh in support of the said attested copy of the Pass Book and then on submission of the same before the District Magistrate, Motihari, the District Magistrate shall consider the documents and shall release the vehicle in question in compliance of the order passed by this Court. It will be at the risk of the petitioner.

The application stands disposed of accordingly.

(Amreshwar Pratap Sahi, CJ)

(Rajeev Ranjan Prasad, J)

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