

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.4033 of 2019

In
Criminal Writ Jurisdiction Case No.2371 of 2018

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Arun Kumar S/o Shri Nand Kishore R/o F-459, Budh Nagar, Inderpuri, New Delhi-110012, through Power of Attorney- Rajendra Kumar Pandey, S/o Shri Anirudh Pandey, R/o Vill.- Pandyadih, Post - Kisgo, P.S.- Hirodih, District-Giridih Jharkhand-825412. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Govt. of Bihar, Patna
2. The Collector-cum-District Magistrate Muzaffarpur
3. The Superintendent of Police Muzaffarpur
4. The Deputy Superintendent of Police Muzaffarpur
5. The Officer in Charge Brahmpura, P.s.- Muzaffarpur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar Pandey, Advocate
For the Opposite Party/s : Mr.Gyan Prakash Ojha (Ga 7)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 18-10-2019 This application has been preferred seeking modification of the condition imposed in the order dated 04.10.2018 passed by this Court in Cr.W.J.C. No. 2371 of 2018. By the said order, this Court has while directing provisional release of the vehicle in question imposed a condition whereunder the petitioner is liable to submit a Bank Guarantee to the extent of value of the vehicle as indicated in the insurance document.

Learned counsel for the petitioner submits that the petitioner is from outside the State of Bihar and has difficulties in procuring a Bank Guarantee here. However, he is ready to



provide a fixed deposit to the extent of the value of the vehicle as indicated in the insurance document and the said fixed deposit shall be pledged in favour of the District Magistrate, Muzaffarpur who is the Confiscating Authority and with whom the Confiscation Case is pending consideration.

Learned counsel for the State is present and submits that his request would be to protect the interest of the State and no more.

In the given facts and circumstances of the case where it appears to this Court that the order for provisional release of the vehicle was passed more than one year back, till date the confiscation proceeding has not been finalized and is said to be pending and the Bus is standing under open sky, the request of the petitioner seems to be bona fide as he has also come forward to submit a fixed deposit to the extent of the value of the vehicle as indicated in the insurance document duly pledged in favour of the District Magistrate, Muzaffarpur.

This Court, therefore, thinks it just and proper to modify the condition and now in place of a Bank Guarantee, the District Magistrate, Muzaffarpur shall accept a fixed deposit to the extent of the value of the vehicle as indicated in the insurance document issued at the instance of the petitioner from



a Nationalized Bank in the State of Bihar from a Branch in the State of Bihar and the same being pledged in favour of the District Magistrate, Muzaffarpur. The pledging in favour of District Magistrate, Muzaffarpur will be duly verified from the Bank concerned.

Subject to the said condition being complied with along with other conditions indicated in the order dated 04.10.2018 passed in Cr.W.J.C. No. 2371 of 2018 with regard to submission of the undertaking, the vehicle in question shall be provisionally released within one week from the date of submission of the fixed deposit.

(Rajeev Ranjan Prasad, J)

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