IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3730 of 2018
In
Civil Writ Jurisdiction Case No.7853 of 2018

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Ravi Bhushan Singh, son of Shyamnarayan Singh, resident of Village- Mashrak Barahiya Tola, P.S.- Masrakh, District- Saran at Chapra.

... ... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise and Prohibition, Government of Bihar, Patna.
2. The Inspector General of Excise and Registration, Govt. of Bihar, Patna.
3. The Collector-cum- District Magistrate, Saran at Chapra.
4. The Superintendent of Police, Saran at Chapra.
5. The Superintendent of Excise, Saran at Chapra.
6. The Sub- Divisional Police Officer, Marhwarah, District- Saran.
7. The Station House Officer, Mashrak P.S. District- Saran.

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Jeetendra Narayan, Advocate
For the Respondent/s	:	Mr. Manish Kumar, A.C. to A.A.G. 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 09-01-2019 Heard learned counsel for the petitioner and learned counsel for the State.

This application has been preferred seeking modification of the order dated 28.06.2018 passed in C.W.J.C. No. 7853 of 2018 by which while directing provisional release of the vehicle in question, this Court had directed the petitioner to furnish a Bank Guarantee to the satisfaction of the District Magistrate of the District Saran at Chapra along with other conditions.

Learned counsel for the petitioner submits that, pursuant to the said order, the Collector has directed the petitioner to submit a Bank Guarantee of Rs. 7,00,000/- which is much more than the actual valuation of the vehicle and the amount which is likely to be realised from sale of the vehicle, if the confiscation order is ultimately passed and executed by the Judicial Magistrate. In this connection, petitioner has relied on Annexure 2, which is the insurance certificate of the vehicle showing that the manufacturing year of the vehicle is 2006 and it was insured for a value of Rs. 1,39,171/- only.

Learned counsel submits that after passing of the order dated 28.06.2018 in C.W.J.C. No. 7853 of 2018, in a large number of cases this Court took a view that the Bank Guarantee required to be furnished by the petitioner in those cases would be in terms of the valuation indicated in the insurance documents. Therefore, the present order may also be modified to that extent.

The learned counsel for the State is present.

It is not in dispute that in a large number of cases this Court has taken a view that the Bank Guarantee required to be furnished for purpose of provisional release would be for the value of the vehicle as indicated in the insurance document. From the record also, we find that the vehicle is 12 years old and, in the given facts and circumstances, it would be just and proper to follow the line of judgments/orders in which this Court has directed for furnishing Bank Guarantee to the extent of the value indicated in the insurance documents.

The order is modified to the extent that now petitioner will be required to furnish a Bank Guarantee for the value as indicated in the insurance document. However, the petitioner would be obliged to fulfil other conditions which have been indicated in our order dated 28.06.2018.

This application stands disposed off accordingly.

(Amreshwar Pratap Sahi, CJ)

(Rajeev Ranjan Prasad, J)

K.C.Jha/Uma/-

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