

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.4701 of 2018

In

Criminal Writ Jurisdiction Case No.878 of 2018

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Muneshwar Ram, son of Yogi Ram, resident of village – Chakrami, P.S. Bihpur (Bhawanipur O.P.), District – Bhagalpur.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise, Govt. of Bihar, Patna.
2. The District Magistrate-cum-Collector, Bhagalpur.
3. The Senior Superintendent of Police, Bhagalpur.
4. The Officer-in-Charge, Sanhaura Police Station, District – Bhagalpur.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar

For the Respondent/s : Mr.Anil Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3. 02-01-2019 The petitioner in the present case is seeking modification of the order dated 27.04.2018 passed in Cr.W.J.C. No. 878/2018.

By the said order this court while directing provisional release of the vehicle in question had imposed condition whereunder the petitioner was obliged to furnish a surety bond of Rs. 5 Lakhs in form of Bank Guarantee or original title deed of an immovable property lying within the jurisdiction of the court or any other security of like nature to the satisfaction of the Collector-cum-District Magistrate, Bhagalpur.

Learned counsel for the petitioner submits that in several cases the Hon'ble Division Bench of this court has taken



a view that the Surety Bond/Bank Guarantee is required to the extent of the value of the vehicle as indicated in the insurance document, therefore the condition whereunder the petitioner has been directed to furnish surety bond of Rs. 5 Lakhs in form of Bank Guarantee is required to be modified to the extent that the petitioner shall furnish surety bond for the value of the vehicle as indicated in the insurance document.

By filing the supplementary affidavit the copy of the insurance certificate dated 25.04.2016 has been brought on record which shows that on 9th of May 2016 the vehicle was insured for a total value of Rs. 2,31,374.00.

Learned counsel for the State is present.

In the given facts and circumstances of this case, taking note of the views expressed by Hon'ble Division Bench of this court, the order dated 27.04.2018 passed in Cr.W.J.C. No. 878/2018 is modified to the extent that now the petitioner shall furnish a surety bond of Rs. 2,31,374.00 which is the value indicated in the insurance document. On the petitioner furnishing surety bond of the said amount in form of Bank Guarantee or by deposit of original title deed of the immovable property lying within the jurisdiction of the court or any other security of the like nature to the satisfaction of the Collector-



cum-District Magistrate, Bhagalpur, the vehicle in question shall
be provisionally released as per the earlier order of this court.

This application stands disposed of.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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