

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52700 of 2018

In
Criminal Writ Jurisdiction Case No.2041 of 2017

Arising Out of PS. Case No.- Year-1111 Thana- District-

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Suresh Ram, Son of Late Khagpati Ram, Resident of Village - Patardih, P.S.
Jamua, District - Giridih Jharkhand.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Excise Department,
Patna, Bihar
2. The District Magistrate, Nawada.
3. The Superintendent of Police Nawada.
4. The S.I., Arbind Kumar S.H.O. Dhamaul, P.S.- Nawada.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Man Mohan Kumar
For the Opposite Party/s : Mr. Kumar Pankaj

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

7 01-05-2019 Heard the parties.

This application is for modification of order dated 22.11.2017 passed in Cr.W.J.C. No. 2041 of 2017 whereby this Court had directed release of the seized vehicle of the petitioner vide Maruti Van bearing registration no. JH-11P5204 in connection with Pakribarawan (Dhamaul) P.S. Case No. 20 of 2017 on condition of petitioner furnishing bank guarantee of Rs.4,00,000/- (rupees four lacs).

Submission is that the petitioner is not capable to furnish bank guarantee, however, the petitioner is ready to furnish sale deed of immovable property of the equal value.



Petitioner has produced a sale deed in the name of Pokhan Ram, Bhim Lal Ram and Khagpati Ram. Khagpati Ram was father of the petitioner and two other purchasers Pokhan Ram and Bhim Lal Ram were uncles who died unmarried. Father of the petitioner also died leaving the petitioner as only heir. The aforesaid fact has come in the supplementary affidavit of the petitioner.

In the circumstance, prayer for modification is allowed.

The authority concerned shall accept the sale deed of immovable property as surety for release of the vehicle aforesaid along with affidavit of the petitioner that he would not sale the aforesaid land to any one till original sale deed is received back by the petitioner after conclusion of the proceeding.

Accordingly, this application stands allowed.

(Birendra Kumar, J)

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