

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.4591 of 2018

In
Criminal Writ Jurisdiction Case No.1932 of 2018

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Sunita Devi @ Sonita Devi Wife of Santosh Yadav R/o Vill.- Belha-Bathnaha, P.S.- Phulparas District- Madhubani.

... .. Petitioner

Versus

1. The State Of Bihar through Principal Secretary, Excise, Government of Bihar, Patna.
2. The District Magistrate, Supaul.
3. The Superintendent of Police, Supaul.
4. The S.H.O. , Nirmali P.S., District- Supaul.

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar Jha
For the Opposite Party/s : Mr.Anil Kumar Sinha - GA 1

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 06-03-2019 This application has been preferred seeking modification of the condition imposed in the order dated 24.09.2018 passed in Cr.W.J.C. No. 1932/2018, by which this court, while directing provisional release of the vehicle in question, had imposed condition of deposit of bank guarantee for the value of the vehicle as indicated in the insurance documents together with two sureties.

Learned counsel for the petitioner submits that the petitioner is a lady and is unable to procure a bank guarantee from the bank. It is submitted that she is ready and willing to provide original title deed of the landed property of the near relatives of the petitioner who are residing in the district of



Supaul and have their property within the said jurisdiction. It is submitted that the near relatives of the petitioner in whose name the original title deed of the land stands is also willing to swear affidavit in support of their contention to provide the original title deed as a security against the provisional release of the vehicle.

It is submitted that considering the hardship on the part of the petitioner, the condition directing submission of bank guarantee may be altered to that extent.

Learned counsel for the State is present and submits that if the original title deed of the land of the same district is submitted as a security along with an undertaking from the owner of the land that he will not deal with the land in question during pendency of the confiscation proceeding and shall not encumber the same, the condition may be relaxed.

Having heard learned counsel for the petitioner and learned counsel representing the State, this court finds that it is a case of hardship wherein the petitioner being a female is unable to procure a bank guarantee to the extent of the value of the vehicle as indicated in the insurance document.

In the given facts and circumstances of the case, this court modifies the order dated 24.09.2018 passed in Cr.W.J.C.



No. 1932/2018 to the extent that now in place of bank guarantee, the petitioner shall provide original title deed of the land situated within the district of Supaul in the name of her near relatives.

The owner of the land shall furnish an undertaking that he/she will not deal with the land in any manner whatsoever, no encumbrance shall be created thereon and the same shall stand as a security which may be invoked or may be dealt with by the confiscating authority, if occasion so arise.

On submission of such title deed together with the undertaking and compliance with other conditions as indicated in the order dated 24.09.2018 passed in Cr.W.J.C. No. 1932/2018, the vehicle in question shall be provisionally released within one week thereafter.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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