

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16945 of 2021

Prakash Chauhan Son of Parsuram Chauhan Resident of Village- Chanda
Bara, Police Station and Block- Meskaur, District- Nawadah.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise,
Government of Bihar, Patna.
2. The District Magistrate, Supaul.
3. The Officer-in-Charge, Police Station- Birpur (Balua Bazar), District-
Supaul.
4. The Officer-in-Charge, Police Station- Sheikhpura, District- Sheikhpura.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar, Advocate
For the Respondent/s : Mr.Vivek Prasad (GP7)

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 12-05-2022 Petitioner has prayed for the following relief(s):

“For issuance of appropriate order/direction/writ upon the Respondent No. 2 to modify the condition of depositing/submitting the Bank guarantee of Rs.2,50,00/- (Rs. Two Lacs Fifty Thousand) as assessed the market value of the seized vehicle Bolero bearing Registration No. BR-27C-5449 in provisional release order bearing Memo No. 1331 dated 26.09.2020 passed by Respondent No. 2 but petitioner could not manage the aforesaid amount deposited in Bank for grant of Bank



guarantee as a result till date vehicle could not be released rather petitioner has some lands in his home village having valuation of more than Rs.2,50,000/- (Rs. Two Lacs Fifty Thousand) stand in his name and is ready to submit the original title document as security in place of Bank guarantee before the Respondent No. 2 learned District Magistrate, Supaul and in this regard necessary petition for modification of order was filed but the same has not been entertained on the ground that the same will amount to review of order which is not permissible under the statutory law. Any other order/orders for granting any other relief/reliefs for which the petitioner is found entitled to in the facts and circumstances of this case.”

In view of the prayer made, the order dated 29.06.2020, passed by respondent No. 2, namely District Magistrate, Supaul in Excise Case No.515 of 2019, titled as State Vs. Md. Nizam & Ors., is modified to the extent that in place of furnishing bank guarantee, the petitioner shall furnish land security of the said amount showing title and possession over the land in his name.

Petition is disposed of with the aforesaid modification in the order dated 29.06.2020, passed by respondent No. 2, namely District Magistrate, Supaul in Excise Case No.515 of



2019, titled as State Vs. Md. Nizam & Ors.

Interlocutory Application(s), if any, shall stand
disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/DKS

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