

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.891 of 2023

In
Civil Writ Jurisdiction Case No.19122 of 2021

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Madan Mohan Panday Son of Leeladhar Panday Proprietor of Country Vide Travels, 01, 03rd Floor, Community Centre East of Kailash New Delhi - 110065, at Present residing in House No. 570, Sector - 30 Amar Nagar Faridabad, Faridabad - 121003.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Excise and Prohibition and Registration Department, Govt. of Bihar, Patna.
2. The Excise Commissioner, Bihar Patna.
3. The District Magistrate - cum- Collector, Madhepura.
4. The Superintendent of Police, District - Madhepura.
5. The Officer in Charge, Police Station Madhepura, District Madhepura.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Perna Anand, Advocate
For the Opposite Party/s : Mr. Vikash Kumar (SC-11)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

2 19-07-2023 The present M.J.C. is filed for modification of the observations made in the order dated 23.12.2021 passed in C.W.J.C. No. 19122 of 2021. The aforesaid order is in the nature of interim order.

2. Relevant portion of the order dated 23.12.2021 passed in C.W.J.C. No. 19122 of 2021 reads as under:-

“During pendency of this writ
petition, District Magistrate/Confiscating



Authority, Madhepura, is directed to provisionally release the vehicle of the petitioner after due identification of ownership of the vehicle on production of ownership and registration papers with respect to vehicle in question in his name with two sureties (one local) to the extent of the value of the vehicle as indicated in the insurance document.”

3. The petitioner is unable to provide one of the local surety, for the reasons that he is a resident of State of Haryana and at present, he is residing at Delhi. Therefore, the aforementioned order, interim direction to provide one local surety is modified to the effect that petitioner shall provide bank guarantee with reference to the valuation assessed by the Insurance Company while issuance of insurance to the subject matter of vehicle.

4. District Magistrate/Confiscating Authority, Madhepura is hereby directed to accept bank guarantee while releasing the vehicle.

5. Accordingly, present M.J.C. stands disposed of. Other contents in the impugned order holds good among the parties.

(P. B. Bajanthri, J)

(Jitendra Kumar, J)

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