

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Writ Jurisdiction Case No.1209 of 2023**

Arising Out of PS. Case No.-4 Year-2022 Thana- SANJHOLI District- Rohtas

Kiran Devi, Wife of Dinesh Kumar, Resident of Village- Sarai, P.S. Maner,  
District- Patna

... .. Petitioner

Versus

1. The State of Bihar through the Superintendent of Police, Rohtas, Sasaram
2. The District Magistrate, Patna At Sasaram
3. The Officer In-charge Sanjhauli, Rohtas
4. The Principal Secretary Excise Department.

... .. Respondents

**Appearance :**

|                     |   |                                 |
|---------------------|---|---------------------------------|
| For the Petitioner  | : | Mr. Raj Kishor Prasad, Advocate |
| For the Respondents | : | Ms. Roona, AC to GP-7           |

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

2      14-12-2023                      Heard learned counsel for the petitioner and learned  
counsel for the State.

2. The petitioner in this case is aggrieved by and dissatisfied with one of the conditions imposed in the order dated 13.03.2023 passed by learned Exclusive Special Excise Court No. 2, Rohtas at Sasaram in Sanjhauli P.S. Case No. 04 of 2022 whereby and whereunder while directing release of the vehicle in question, the learned court has directed the petitioner to furnish an indemnity bond of Rs.4,50,000/- with two solvent local sureties of like amount each. It has been ordered that the sureties shall affix their photo along with a copy of their identity card with the bond.

3. Learned counsel for the petitioner submits that as

per allegations the driver of the vehicle was in drunken condition and had dashed in a private vehicle.

4. Learned counsel for the petitioner submits that it is a case of rash and negligent driving, there was no transportation of illegal liquor in the vehicle and in such case, the vehicle has not been seized for violation of any of the provisions of the Excise Act.

5. It is his submission that the petitioner is ready to submit an indemnity bond of Rs.4,50,000/-. She is a local resident having sufficient means but it would not be possible for her to find out two solvent local sureties of the like amount each and this additional condition to provide two solvent local sureties of the like amount each is a burdensome condition which may be removed and the vehicle be ordered to be released on the petitioner submitting her indemnity bond of Rs.4,50,000/-. So far as the other conditions are concerned, the petitioner would not request for any change in those conditions.

6. Ms. Roona, learned AC to GP-7 for the State has though opposed this application but considering the facts and circumstances of the case and the nature of reliefs prayed for, this Court is of the considered opinion that the condition imposed in the impugned order to the extent that two solvent

local sureties of like amount each be provided, would definitely be a burdensome condition and the interest of justice would be served if the vehicle is allowed to be released on the petitioner furnishing an indemnity bond of Rs.4,50,000/- only.

7. Accordingly, the first condition imposed in the impugned order by the learned court below to provide an indemnity bond of Rs.4,50,000/- with two solvent local sureties of like amount each stands modified to the extent that the vehicle in question shall be released on the petitioner furnishing an indemnity bond of Rs.4,50,000/- only.

8. Rest of the conditions imposed in the impugned order shall remain intact.

9. This application is allowed to the extent indicated hereinabove.

**(Rajeev Ranjan Prasad, J)**

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