

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3551 of 2019

In
Civil Writ Jurisdiction Case No.11202 of 2018

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Subhash Yadav @ Subhash Prasad Son of Vachu Yadav @ Vachhu Prasad
Resident of Village Atbalchak, Dina Police Station Tharthari, District
Nalanda.

... .. Petitioner

Versus

1. The State of Bihar Through the Principal Secretary, Bihar, Prohibition and Excise Department, Bihar, Patna.
2. The Principal Secretary Bihar, Prohibition and Excise Department, Bihar, Patna.
3. The District Magistrate Nalanda, District Nalanda.
4. The Superintendent of Police Nalanda, District Nalanda.
5. The Thana - In Charge Tharthari Police Station, District Nalanda.

... .. Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Rabindra Prasad Singh, Advocate

For the Opposite Party/s : Mr. Akash Chaturvedi, AC to SC-11

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

5 26-04-2024 Heard learned counsel for the petitioner and learned
A.C. to SC-11 for the State.

2. This is an application seeking modification of the
order dated 22.06.2018 passed in CWJC No. 11202 of 2018
insofar as it contains a condition that the petitioner shall furnish
a bank guarantee to the satisfaction of the District Magistrate,
Nalanda for purpose of release of the vehicle in question.

3. Learned counsel for the petitioner has drawn the



attention of this Court towards the order contained in Memo No. 1430 dated 19.07.2018 passed by the District Magistrate, Nalanda from which it appears that the petitioner has been directed to deposit a bank guarantee of Rs. 4 lakhs.

4. Learned counsel submits that the vehicle is still lying in the Police Station and because the petitioner is unable to submit a bank guarantee, he is not able to get release of the vehicle in question despite a lapse of over six years.

5. It is further submitted that initially this Court had been directing submission of bank guarantee for purpose of release but later on in view of the difficulties of the petitioners in some cases in submitting the bank guarantees brought to the notice of this Court, in subsequent orders this Court has directed for submission of surety bond (not in form of cash or bank guarantee), therefore in this case also the order may be modified and in place of bank guarantee, the petitioner be directed to furnish surety bond to the extent of the value of Rs. 4 lakhs.

6. Learned counsel for the State does not dispute that in several cases this Court has directed for release of the vehicle on furnishing surety bond to the extent of the value of the vehicle.

7. In the aforesaid view of the matter, this Court



modifies the condition incorporated in the order dated 22.06.2018 passed in CWJC No. 11202 of 2018 and directs that on the petitioner furnishing a surety bond (not in form of cash or bank guarantee) to the satisfaction of District Magistrate, Nalanda to the extent of the value of Rs. 4 lakhs and on fulfilling the other conditions mentioned in the order dated 22.06.2018, the vehicle in question shall be released.

8. Such release shall be done within a period of one week from the date of submission of surety bond and compliance with our directions.

9. This application stands allowed.

(Rajeev Ranjan Prasad, J)

(Partha Sarthy, J)

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