

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1647 of 2024

In
Civil Writ Jurisdiction Case No.23272 of 2018

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Deepak Kumar, aged about 40 years, male, Son of Late Kameshwar Singh,
Resident of Village- Dhanaur Katara, P.S.- Katara, District- Muzaffarpur.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,
Bihar, Patna.
2. The District Magistrate, Darbhanaga, Darbhanaga.
3. The Superintendent of Police, Darbhanga.
4. The Dy. S.P., Darbhanga.
5. The S.H.O. of Kamtaul, P.S., District- Darbhanga.

... .. Opposite Parties

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Appearance :

For the Petitioner : Mr. Prakash Chandra Jha, Advocate
For the Opposite Parties : Mr. Standing Counsel 11

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
and
HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE SUDHIR SINGH)

3 17-09-2025 This application has been filed on behalf of the

petitioner for seeking modification in the order dated

26.04.2019 passed by a Co-ordinate Bench of this Court in

CWJC No.23272 of 2018.

2. Vide order dated 26.04.2019, in CWJC No.23272
of 2018, the Co-ordinate Bench has made the following
statement in paragraph 5:

*“The release shall be allowed within a period
of 14 days from the date of production of*



ownership/registration papers supporting the claim of the petitioner together with one surety (local) along with the Bank Guarantee or title deed of immovable property situated in the district, to the extent of the value of the vehicle as indicated in the insurance document and the undertaking, as stated above. This would, however, be subject to the final order passed in the confiscation proceeding. The title deed papers shall remain in safe custody of the designated court below subject to final decision in the confiscation proceedings.”

3. Learned counsel for the petitioner has made the following submission in his written application, paragraph 1 of which is reproduced as under:

“That this is an application seeking modification in the order dated 26.04.2019 passed in CWIC No.23272 of 2018 passed by Hon'ble Mr. Justice Jyoti Saran (the then) and Hon'ble Mr. Justice Anjani Kumar Sharan to the extent of granting relaxation in the imposed conditions while releasing the Pickup Van (Mahindra Bolero vehicle) bearing registration No. BR06GC-4044 which was seized in connection with Kamtaul P.S. Case No.194 of 2018 for the offences punishable u/s 30(a), 38/47 of Bihar Prohibition and Excise Act 2016.

The present condition which is one local surety alongwith Bank Guarantee or Original



title deed of immovable property situated within the District-Darbhanga to the extent of the value of the vehicle as indicated in the insurance document, be modified to the extent that the such surety of the territorial jurisdiction of District-Muzaffarpur, which is residential District of petitioner be accepted because none of the relatives/friends of District-Darbhanga are ready to assign their property to the custody of the court as a result of which vehicle has not been released uptill now and vehicle is rusting and rotting to in the open sky. As also to modify the order to the extent of dispensing with the assignment of original Deed of Land.”

4. The condition imposed by the Co-ordinate Bench of this Court was that one local surety alongwith Bank Guarantee or Original title deed of immovable property situated within the District-Darbhanga to the extent of the value of the vehicle as indicated in the insurance document, needed to be produced. However, the petitioner submits that none of his relatives/friends of District-Darbhanga are ready to assign their property to the custody of the Court, and due to this, he is unable to produce the requisite documents, and consequently the vehicle has not been released.

5. Considering the above facts and circumstances of the case, the order dated 26.04.2019 stands modified to the



extent the release of the vehicle in question shall be made on the surety furnished in respect to the property situated in the District of Muzaffarpur instead of the district of Darbhanga. The rest of the conditions imposed by the Co-ordinate Bench of this Court would remain same, and needs no modification.

6. Accordingly, the present application stands disposed of with this limited modification.

(Sudhir Singh, J.)

(Rajesh Kumar Verma, J.)

Gaurav Kumar,
Ibrar/-

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