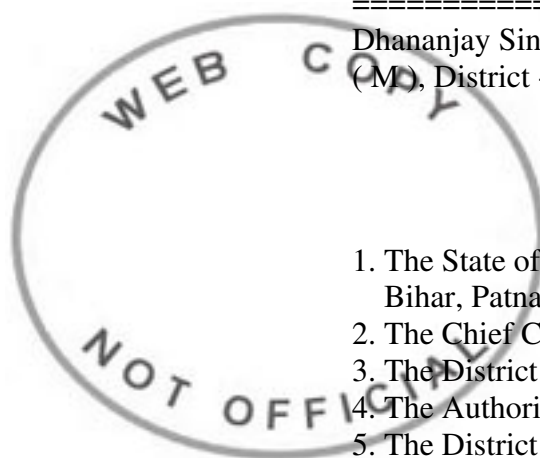




IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3615 of 2015

=====

Dhananjay Singh S/o Late Rajeshwar Singh R/o Village-Kanchanpur, P.S. Sasaram
(M), District - Rohtas

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Forest Department Government of Bihar, Patna
2. The Chief Conservator of Forest, Bihar, Patna
3. The District Magistrate, Rohtas, Sasaram
4. The Authorized officer cum Divisional Forest Officer, Rohtas, Sasaram
5. The District Forest officer, Rohtas, Sasaram
6. The Range officer Sasaram Forest Ara at Sasaram
7. The Forestor Tilauthu cum Darigaon, Forest Circle, District - Rohtas

.... Respondent/s

with

=====

Civil Writ Jurisdiction Case No. 3698 of 2015

=====

Ritesh Kumar Giri alias Ritesh Giri, son of Prabhu Nath Giri, resident of village-Dhaudand, P.S.- Sasaram (M), District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Forest Department, Government of Bihar, Patna.
2. The District Magistrate, Rohtas at Sasaram.
3. The Divisional Forest Officer-cum-Authorized Officer, Rohtas Forest Division, Sasaram, Rohtas.

.... Respondent/s

with

=====

Civil Writ Jurisdiction Case No. 3705 of 2015

=====

1. Manoj Singh S/o - Dhanath Singh
2. Muralidhar Singh S/o - Janardhan Singh Both R/o Village - Kanchanpur, P.S. – Sasaram (M), District - Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Forest Department Government of Bihar, Patna.
2. The Chief Conservator of Forest, Bihar, Patna.

3. The District Magistrate, Rohtas, Sasaram.
4. The Authorized Officer cum Divisional Forest Officer, Rohtas, Sasaram.
5. The District Forest Officer, Rohtas, Sasaram
6. The Range Officer Sasaram Forest Ara at Sasaram.
7. The Forestor Tilauthu cum Darigaon, Forest Circle, District - Rohtas.

.... Respondent/s

with

Civil Writ Jurisdiction Case No. 3744 of 2015

Kamoda Devi, wife of Ramashish Sah, resident of village-Amra Talab, P.S.- Sasaram (M), District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Forest Department, Government of Bihar, Patna.
2. The District Magistrate, Rohtas at Sasaram.
3. The Divisional Forest Officer-cum-Authorized Officer, Rohtas Forest Division, Sasaram, Rohtas.

.... Respondent/s

with

Civil Writ Jurisdiction Case No. 3745 of 2015

Sunil Kumar Singh, son of Vijay Bahadur Singh, resident of village-Company Sarai, Civil Lines, Sasaram, District-Rohtas, at present resident of Mohalla-Raghunath Tola, Anisabad, P.S.-Gardanibagh, District-Patna.

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Forest Department, Government of Bihar, Patna.
2. The District Magistrate, Rohtas at Sasaram.
3. The Divisional Forest Officer-cum-Authorised Officer, Rohtas.

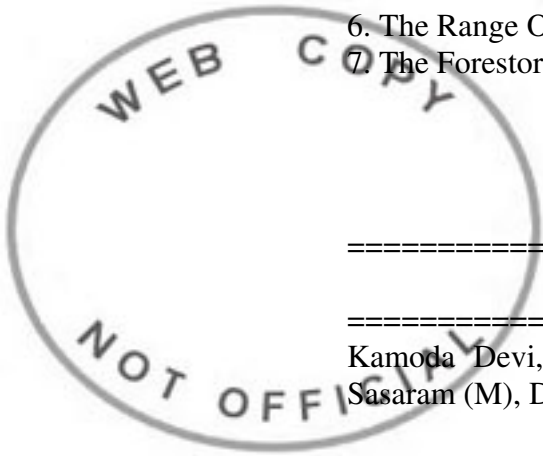
.... Respondent/s

with

Civil Writ Jurisdiction Case No. 4161 of 2015

Manoj Kumar S/o - Ramashray Singh, R/o Village-Dhankarha, P.S.- Sasaram, District- Rohtas.

.... Petitioner/s



Versus

1. The State of Bihar through Principal Secretary Forest Department Government of Bihar, Patna.
2. The Chief Conservator of Forest Bihar, Patna.
3. The District Magistrate , Rohtas, Sasaram.
4. The Authorized Officer cum Divisional Forest Officer Rohtas, Sasaram.
5. The District Forest Officer, Rohtas, Sasaram.
6. The Range Officer Sasaram Forest Ara at Sasaram.
7. The Forestor Tilauthu cum Darigaon, Forest Circle District- Rohtas.

.... Respondent/s

with

Civil Writ Jurisdiction Case No. 4524 of 2015

Jitendra Kumar Singh Son of Sudama Singh, resident of village - Hematpur, Police Station-Ara (Mufassil), District - Bhojpur at Ara Presently residing at Mahajan Toli No. 1, P.S. Arrah (Town), District - Bhojpur at Ara

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Forest Department, Government of Bihar, Patna
3. The Superintendent of Police, Rohtas at Sasaram
4. The Divisional Forest officer, Rohtas at Sasaram
5. The S.H.O., Police Station- Dehri (Bhojpur)

.... Respondent/s

with

Civil Writ Jurisdiction Case No. 4801 of 2015

Upendra Sah, son of Govardhan Sah, resident of village-Amari, P.S.- Sasaram (M), District - Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Forest Department, Government of Bihar, Patna.
2. The District Magistrate, Rohtas at Sasaram.
3. The Divisional Forest Officer-cum-Authorized Officer, Rohtas Forest Division, Sasaram, Rohtas.

.... Respondent/s

Appearance:
(In CWJC No. 3615 of 2015)
For the Petitioner/s : Mr. Uma Shankar Singh, Advocate

For the Respondent/s : Mr. DINBANDHU SINGH
(In CWJC No. 3698 of 2015)
 For the Petitioner/s : Mr. Rajani Kant Singh, Advocate
 For the Respondent/s : Mr. AJAY- GA 12
(In CWJC No. 3705 of 2015)
 For the Petitioner/s : Mr. Uma Shankar Singh, Advocate
 For the Respondent/s : Mr. PRASHANT PRATAP, GP-6
(In CWJC No. 3744 of 2015)
 For the Petitioner/s : Mr. Rajani Kant Singh, Advocate
 For the Respondent/s : Mrs. GEETA KUMARI
(In CWJC No. 3745 of 2015)
 For the Petitioner/s : Mr. Rajani Kant Singh, Advocate
 For the Respondent/s : Mr. NASIM YAHYA, GP-13
(In CWJC No. 4161 of 2015)
 For the Petitioner/s : Mr. Uma Shankar Singh, Advocate
 For the Respondent/s : Mr. MANISH KUMAR- GP8
(In CWJC No. 4524 of 2015)
 For the Petitioner/s : Mr. Vipin Kumar Singh, Advocate
 For the Respondent/s : Mr. N.K. SINGH- SC2
(In CWJC No. 4801 of 2015)
 For the Petitioner/s : Mr. Rajani Kant Singh, Advocate
 For the Respondent/s : Mr. MANOJ KR. AMBASTHA

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL JUDGMENT
Date: 29-04-2015

Heard learned counsel for the parties.

Since in each of these cases the relief prayed by the petitioners is identical hence they have been taken up together for analogous hearing and final disposal with the consent of the parties.

The petitioners in each of the writ petitions seek a direction to the Authorized Officer–cum-Divisional Forest Officer, Rohtas Forest Division, District-Rohtas at Sasaram under the Indian Forest Act, 1927, for provisional release of their respective vehicle pending adjudication of the confiscation proceedings.

In each of these cases the vehicle of these petitioners



stands seized on grounds of alleged violation of the provisions of the Indian Forest Act and which has led to institution of the Forest Case / Police Case which are now pending consideration in respective confiscation proceedings before the Authorized Officer who happens to be the Divisional Forest Officer, Rohtas Forest Division, Rohtas.

The contention advanced by the learned counsel for the respective petitioners is that keeping the vehicles under the open sky to face the vagaries of the weather would serve no purpose and would only turn them obsolete rendering them useless for any future use and which would benefit none rather it would only result in loss. Learned counsel for the respective petitioners have stated that the petitioners would not be creating any third party right nor they would alienate the vehicle pending disposal of the respective confiscation case and that they would produce the vehicle as and when required in the confiscation proceedings. It is also the contention of learned counsel that release petitions have also been filed before the statutory authority but has remained pending in most of the cases and thus these writ petitions.

The individual details of the petitioner in each of the writ petitions are given hereinbelow.

(1). **C.W.J.C. No. 3615 of 2015**

In this case vehicle of the petitioner bearing
Registration No. JH22A/1664, Chassis No.



396522JSZ223555 and Engine No. 70J62604659 was seized on allegations of transporting stone chips without any supportive papers giving rise to Forest Case No. 11 of 2015 which has led to registration of Confiscation Case No. 28 of 2015 pending adjudication before the Divisional Forest Officer-cum-Authorized Officer, Rohtas Forest Division, Rohtas at Sasaram.

(2). **C.W.J.C. No. 3698 of 2015**

In this case the vehicle of the petitioner bearing Registration No. RFNB-09773 and Chassis No. 006505439C was seized on allegations of transporting stone chips without any supportive papers giving rise to Forest Case No. 06 of 2015 which has led to registration of Confiscation Case No. 15 of 2015 pending adjudication before the Divisional Forest Officer-cum-Authorized Officer, Rohtas Forest Division, Rohtas at Sasaram.

(3). **C.W.J.C. No. 3705 of 2015**

In this case the vehicle of the petitioner bearing Registration No. BR06GA/3437, Chassis No. MAT448085C3B0899 and Engine No. B591803121D63230556 was seized on allegations of transporting forest produce without any supportive papers giving rise to Forest Case No. 14 of 2015 which has led to registration of Confiscation Case No. 23 of 2015 pending adjudication before the Divisional Forest Officer-

cum-Authorized Officer, Rohtas Forest Division,
Rohtas at Sasaram.

(4). **C.W.J.C. No. 3744 of 2015**

In this case the vehicle of the petitioner bearing Registration No. JH-05T/7215 was seized on allegations of transporting stone chips without any supportive papers giving rise to Forest Case No. 39 of 2013 which has led to registration of Confiscation Case No. 74 of 2013 pending adjudication before the Divisional Forest Officer-cum-Authorized Officer, Rohtas Forest Division, Rohtas at Sasaram.

(5). **C.W.J.C. No. 3745 of 2015**

In this case the vehicle of the petitioner bearing Registration No. AP 16 TD/1814 was seized on allegations of transporting stone chips without any supportive papers giving rise to Forest Case No. 17 of 2015 which has led to registration of Confiscation Case No. 27 of 2015 pending adjudication before the Divisional Forest Officer-cum-Authorized Officer, Rohtas Forest Division, Rohtas at Sasaram.

(6). **C.W.J.C. No. 4161 of 2015**

In this case the vehicle of the petitioner bearing Registration No. JH03A/9456 was seized on allegations of transporting stone chips without any supportive papers giving rise to Forest Case No. 37 of 2013 which has led to registration of Confiscation Case No. 71 of 2013 pending

adjudication before the Divisional Forest Officer-cum-Authorized Officer, Rohtas Forest Division, Rohtas at Sasaram.

(7). **C.W.J.C. No. 4524 of 2015**

In this case the vehicle of the petitioner bearing Registration No. BR-01GA-3861 was seized on allegations of transporting stone chips without any supportive papers giving rise to Dehri P.S Case No. 68 of 2015 which has led to registration of Confiscation Case No. 22(D) of 2015 pending adjudication before the Divisional Forest Officer-cum-Authorized Officer, Rohtas Forest Division, Rohtas at Sasaram.

(8). **C.W.J.C. No. 4801 of 2015**

In this case the vehicle of the petitioner bearing Registration No. JHO2Q/6975 was seized on allegations of transporting stone chips without any supportive papers giving rise to Bikramganj P.S Case No. 42 of 2015 which has led to registration of Confiscation Case No. 31 of 2015 pending adjudication before the Divisional Forest Officer-cum-Authorized Officer, Rohtas Forest Division, Rohtas at Sasaram.

I have heard learned counsel for the parties and I have perused the materials on record.

As I have taken note of hereinabove, the vehicles of these petitioners stand seized on allegation of being loaded with



illegally mined stone chips. Though learned counsel for the petitioners has tried to defend the load carried on each of the vehicles but considering that the matter is pending adjudication before the statutory authority, this Court would express no opinion thereon. However taking note of the circumstances that these vehicles are lying unattended under the open sky to face the vagaries of weather, this Court is of the opinion that allowing these vehicles to turn obsolete would benefit none rather it would only lead to losses and thus this Court would deem fit and proper to order for the provisional release of the vehicles subject to furnishing of supporting papers of ownership and security as deem fit and proper by the authorized officer and which release obviously would be subject to final outcome of the confiscation proceedings / criminal proceeding.

In the circumstances discussed, this Court would direct the Divisional Forest Officer, Rohtas Forest Division, Rohtas cum Authorized Officer under the Forest Act, 1927 in seisin of the respective confiscation cases which are subject matter of the present proceedings to order for the release of the respective vehicles in favour of the petitioners within eight weeks of the receipt/production of a copy of the order subject to the fulfillment of the following conditions.

- (a) The petitioner shall produce all original papers

supporting the ownership of the vehicle in question including the registration papers, the insurance paper, the tax token and the pollution certificate.

- (b) The petitioner shall file an undertaking in the form of an affidavit that he shall not alienate the vehicle or transfer the vehicle in favour of any third party during the pendency of the confiscation proceedings /criminal proceeding and shall produce the vehicle as and when required in the confiscation proceedings / criminal proceeding.
- (c) The petitioner shall furnish such security as deem fit and proper by the Divisional Forest Officer-cum-Authorized Officer, Rohtas at Sasaram which shall neither be in the form of cash nor bank guarantee; and
- (d) The release of the vehicle shall be governed by the final outcome of the confiscation proceedings / criminal proceeding.

With the observations and directions aforementioned, the writ petitions are disposed of.

(Jyoti Saran, J)

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