

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3133 of 2015

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Kailash Yadav, S/o- Janki Mahto, R/o-85 Gaon Singhrawan, Thana No.1, Chouparan, Hazaribagh. through Power of Attorney holder:- Ravindra Kumar Singh, S/o-Aas Muni Mahto, R/o Village- Belaspur, P.O.- Ghordihan, P.S.- Karaghar, 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. 3148 of 2015

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Rakesh Kumar Singh S/o- Ram Narayan Singh R/o- Village-Ghatmapur, P.O. - Karwandia. 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 Tohtas, 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

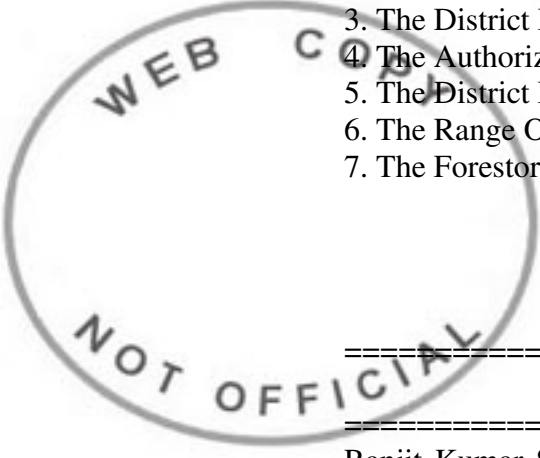
Civil Writ Jurisdiction Case No. 3227 of 2015

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Vinod Singh S/o Bhim Singh C/o Sunil Kumar Chaudhary, R/o Mohalla Bhartiganj, P.O. Sasaram, P.S. Sasaram, District Rohtas.

.... Petitioner/s

Versus

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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

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Civil Writ Jurisdiction Case No. 3290 of 2015

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Ranjit Kumar Singh S/o- Krishna Singh C/o - Sunil Kumar Singh, R/o Village - Tarbangla More, Dehri, P.S. - Dehri, 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 Authorised 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

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Civil Writ Jurisdiction Case No. 3365 of 2015

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Vinay Kumar Singh S/o - Late Yaduvansh 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 Magisgtrate , 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 Forest Tilauthu cum Darigaon, Forest Circle District- Rohtas.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 3383 of 2015

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Sonu Kumar Upadhya, S/o- Ramanand Upadhya, R/o- Patratu Basti, Cantt. Ansh,
P.S.- Ramgarh, District- Ramgarh, Jharkhand.

.... 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 Forester Tilauthu cum Darigaon, Forest Circle District- Rohtas.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 3458 of 2015

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Santosh Kumar Gupta, S/o Vijay Sah, R/o Village- Tumba, P.O.- Ramdihra, P.S. -
Rohtas, 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 Forester, Tilauthu, Cum Darigaon, Forest Circle District- Rohtas.

.... Respondent/s

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Appearance:

(In CWJC No. 3133 of 2015)

For the Petitioner/s : Mr. Uma Shankar Singh, Advocate

For the Respondent/s : Mr. SATYA DEO KUMAR, SC-5

(In CWJC No. 3148 of 2015)

For the Petitioner/s : Mr. Uma Shankar Singh, Advocate

For the Respondent/s : Mr. SYED ARSHAD ALAM, SC-3

(In CWJC No. 3227 of 2015)

For the Petitioner/s : Mr. Uma Shankar Singh, Advocate

For the Respondent/s : Mr. MD. RAISUL HAQUE, SC-4
(In CWJC No. 3290 of 2015)

For the Petitioner/s : Mr. Uma Shankar Singh, Advocate

For the Respondent/s : Mr. KUMAR MANISH- SC21
(In CWJC No. 3365 of 2015)

For the Petitioner/s : Mr. Uma Shankar Singh, Advocate

For the Respondent/s : Mr. M.K. SINHA, SC-1

(In CWJC No. 3383 of 2015)

For the Petitioner/s : Mr. Uma Shankar Singh, Advocate

For the Respondent/s : Mr. AJAY, GA-12

Mr. Rakesh Kumar Ranajn, A.C. to GA-12

(In CWJC No. 3458 of 2015)

For the Petitioner/s : Mr. Uma Shankar Singh, Advocate

For the Respondent/s : Mr. PARTHA SARTHI, GA-11

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 22-04-2015

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. 3133 of 2015**

In this case vehicle of the petitioner bearing Registration No. JH02F/3063, Chassis No. 373134HUZ128468 and Engine No. 697 TC 56HUZ125029 was seized on allegations of transporting stone chips without any supportive papers giving rise to Forest Case No. 7 of 2015 which has led to registration of Confiscation Case

No. 6 of 2015 pending adjudication before the Divisional Forest Officer-cum-Authorized Officer, Rohtas Forest Division, Rohtas at Sasaram.

(2). **C.W.J.C. No. 3148 of 2015**

In this case the vehicle of the petitioner bearing Registration No. OR11E-0017 was seized on allegations of transporting stone chips without any supportive papers giving rise to Forest Case No. 3 of 2015 which has led to registration of Confiscation Case No. 8 of 2015 pending adjudication before the Divisional Forest Officer-cum-Authorized Officer, Rohtas Forest Division, Rohtas at Sasaram.

(3). **C.W.J.C. No. 3227 of 2015**

In this case the vehicle of the petitioner bearing Registration No. BR24G/6843, Chassis No. MAT448085C3P34907 and Engine No. B591803221M63304812 was seized on allegations of transporting forest produce without any supportive papers giving rise to Forest Case No. 13 of 2015 which has led to registration of Confiscation Case No. 21 of 2015 pending adjudication before the Divisional Forest Officer-cum-Authorized Officer, Rohtas Forest Division, Rohtas at Sasaram.

(4). **C.W.J.C. No. 3290 of 2015**

In this case the vehicle of the petitioner bearing Registration No. BR24G/0973, Chassis No.



405121DXZ709281 and Engine No. 6970DXZ868713 was seized on allegations of transporting stone chips without any supportive papers giving rise to Forest Case No. 07 of 2015 which has led to registration of Confiscation Case No. 16 of 2015 pending adjudication before the Divisional Forest Officer-cum-Authorized Officer, Rohtas Forest Division, Rohtas at Sasaram.

(5). **C.W.J.C. No. 3365 of 2015**

In this case the vehicle of the petitioner bearing Registration No. JH08C/0684, Engine No. B591803111M63216785 and Chassis No. MAT448085B3P37688 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. 22G of 2015 pending adjudication before the Divisional Forest Officer-cum-Authorized Officer, Rohtas Forest Division, Rohtas at Sasaram.

(6). **C.W.J.C. No. 3383 of 2015**

In this case the vehicle of the petitioner bearing Registration No. JH02K/3809, Engine No. 80C62665140 and Chassis No. 426031CRZ114233 was seized on allegations of transporting stone chips without any supportive papers giving rise to Forest Case No. 68 of 2015 which has led to registration of Confiscation Case

No. 22C of 2015 pending adjudication before the Divisional Forest Officer-cum-Authorized Officer, Rohtas Forest Division, Rohtas at Sasaram.

(7). **C.W.J.C. No. 3458 of 2015**

In this case the vehicle of the petitioner bearing Registration No. BR24G-2427, Engine No. 01K62942144 and Chassis No. MAT466412A2K25021 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. 22A 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.

S.Sb/-

(Jyoti Saran, J)

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