

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.415 of 2015
IN
Civil Writ Jurisdiction Case No. 13350 of 2014**

- =====
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

.... Appellants

Versus

Arvind Kumar Singh Son of Indradeo Singh, Resident of Mohalla-Bal Bharti Road, Civil Lines, Sasaram, Police Station- Sasaram, District- Rohtas.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Abhinay Raj

For the Respondent/s : Mr.

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**CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE SUDHIR SINGH**
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)
Date: 19-05-2015

I A No. 1969 of 2015

This application under section 5 of the Limitation Act is filed with a prayer for condonation of the delay of 131 days in preferring the Appeal.

We are satisfied with the reasons mentioned in the application and condone the delay in filing the Appeal.

I A No.1969 of 2015 stands disposed of.

L P A No.415 of 2015

This Letters Patent Appeal is filed challenging the common order dated 5.9.2014 passed by the learned Single Judge in CWJC No.12704 of 2014 and analogous writ petitions directing release of the vehicles of the writ petitioners.

The writ petitioners are owners of various vehicles. The officers of the Forest Department in the district of Rohtas at Sasaram seized the vehicles at different points of time, on finding that the vehicles were used in transporting the concrete chips from the forest area. It is brought to our notice that the proceedings under the Indian Forest Act, 1927 are also pending before the concerned authorities.

The learned Single Judge took a view that no useful purpose would be served if the vehicles remain under seizure for such a long period. While directing release of the vehicles, the learned Single Judge imposed three conditions, namely, that the petitioners shall be under obligation to produce the relevant documents in support of the ownership of the vehicles; they shall file an undertaking to the effect that they shall not alienate or transfer the vehicles in favour of any third party during the pendency of the confiscation proceedings; and the owners shall also furnish security to the satisfaction of the Divisional Forest Officer, Rohtas at Sasaram, which shall not be in the form of cash or bank guarantee. The same is challenged.

Heard the learned counsel for the appellant and learned counsel for the respondents.

It is true that an approach, different from other case is needed while dealing with the cases arising out of the forest laws. In this case, we find that the complaint was not of any transport of forest produce in its strict sense, namely, tress or plants. It is about concrete

stone. The use of stone as such is not banned. On the other hand, it is regulated. The question as to whether the writ petitioners violated the provision of law needs to be considered in the pending proceedings. The continued seizure of the vehicles would only expose the vehicles to theft and the vagaries of the weather.

We do not find any basis to interfere with the order of the learned Single Judge. Even while upholding the order of the learned Single Judge, we observe that in case the vehicles that are going to be released are found to be involved in similar offence in future, they shall not be released till the conclusion of the confiscation proceedings.

With these modifications in the order of the learned Single Judge, we dismiss the Appeal.

Interlocutory Applications shall stand disposed of.

There shall be no order as to costs.

(L. Narasimha Reddy,CJ)

(Sudhir Singh, J)

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