

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13665 of 2015

=====

Prashant Kumar Singh S/o Kesav Singh, R/o Mohalla - New Area, Sasaram,
P.S. - Sasaram, District - Rohtas.

.... Petitioner

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.

.... Respondents

=====

Appearance :

For the Petitioner/s : Mr. Uma Shankar Singh
For the Respondent/s : Mr. AC to SC-21

=====

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

4 24-11-2015 Heard Sri Uma Shankar Singh, learned counsel for

the petitioner and learned AC to SC-21.

The petitioner, invoking writ jurisdiction of this Court under Article 226 of the Constitution of India has prayer for directing the Respondent no.4 to provisionally release his truck , bearing Registration No.BR-02X-9966 (hereinafter referred to as the “vehicle in question”) pending confiscation case no.148/2015. Learned counsel for the petitioner submits that the vehicle in question was illegally seized on 02.08.2015 on an allegation of carrying forest articles.



It was submitted by learned counsel for the petitioner that the petitioner had produced challan for the materials loaded over the vehicle in question, however the vehicle in question was illegally seized on an allegation of violation of provision of Forest Act. Besides initiating criminal case vide Forest Case no.69/2015, a confiscation proceeding vide Confiscation Case no. 148/2015 has also been initiated. He submits that in the confiscation proceeding, the petitioner appeared and filed his show cause. Besides filing his show cause, the petitioner also filed a petition for release of the vehicle in question. He submits that though such petition for release of the vehicle in question was filed in the month of August,2015, till date, neither any order has been passed on the petition filed by the petitioner for release of the vehicle in question nor confiscation proceeding has been concluded. Learned counsel for the petitioner has placed reliance on a recent Division Bench Judgment of this Court passed on 06.11.2015 in L.P.A. No. 2024 of 2015. He submits that the petitioner case stands on similar footing and makes a prayer for similar relief. He undertakes that as and when required, the petitioner will produce the vehicle in question before the authority concern.



Learned State Counsel, by way of referring to the averments made in the counter affidavit, has opposed the prayer of the petitioner. He submits that the petitioner's vehicle was involved in commission of forest offence and, as such, the vehicle in question has rightly been seized and the confiscation proceeding is going on.

In view of facts and circumstances, particularly the fact that in similar situation the Division Bench recently has approved the provisional release of the vehicle in question, the Court is of the opinion that the petitioner is also entitled for the same relief. Accordingly, the writ petition is allowed with a direction to the Respondent(s) to release the vehicle in question on the following conditions:

(a) The petitioner shall furnish all the necessary papers/documents of ownership and security as may be deemed fit and proper by Respondent no.4/ Authorised Officer-cum- Divisional Forest Officer, Rohtas , Sasaram.

(b) The petitioner shall undertake, in writing , that the vehicle, in question, shall neither be alienated nor be transferred in favour of any third party during the pendency of the confiscation proceeding and that the vehicle , in question, shall be produced as and when called upon or required in the confiscation proceeding or

otherwise.
The writ petition stands allowed.

(Rakesh Kumar, J)

NKS/-

U			
---	--	--	--

