

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.174 of 2014

Arising Out of PS.Case No. -34 Year- 2013 Thana -Darihat District- SASARAM (ROHTAS)

Rajeshwar Singh, Son of Late Mundrika Singh, Resident of Village - Karma Road
Aurangabad, P.S. and District - Aurangabad (Bihar)

.... Petitioner

Versus

1. The State of Bihar
2. The Divisional Forest Officer, Sasaram cum Authorized Officer.
3. The S.H.O. Darihat

.... Respondents

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Singh, Advocate

For the Respondent/s : Mr. Harish Kumar GP-32

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 20-01-2015

By filing the present application under Articles 226 and 227 of the Constitution of India, the petitioner seeks release of truck bearing registration no. UP-65-C-7603 seized in connection with Darihat P.S. Case No. 34 of 2013 registered for the offences punishable under Sections 379 and 411 of the Indian Penal Code, 40 (1) of the Bihar Mining Mineral Concession Rule, 1972 and 33, 41 and 42 of the Forest Act.

While arguing the case, learned counsel for the petitioner has fairly conceded that a confiscation case has also been

launched in respect of the said vehicle and the authorized Officer under the Act has already passed an order for confiscation of the said vehicle on 13th May, 2014 in Confiscation Case No. 77 of 2013.

The petitioner has a remedy of appeal under Section 52-A of the Indian Forest Act, 1927.

In view of the availability of equally efficacious alternative remedy to the petitioner, I am not inclined to entertain the present application.

Accordingly, the writ petition is dismissed.

(Ashwani Kumar Singh, J.)

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