

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.131 of 2015

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Uma Shankar Sah @ Uma Shankar Saw, S/o - Prabhu Sah, R/o Village- Bargawan,
P.S- Barkatha, District- Hazaribagh, Jharkhand. 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.

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Uma Shankar Singh, Advocate
For the State-Respondent/s : Mr. Md. N. Hoda Khan, S.C.-18
Mr. Md. Irshad, A.C. to S.C.-18

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 09-02-2015

Heard Mr. Uma Shankar Singh, learned counsel
appearing on behalf of the petitioner and Mr. Md. Irshad, learned
Assisting Counsel to Standing Counsel No.18 for the State.

This writ petition has been filed for a limited relief. The petitioner seeks release of his vehicle bearing Registration No.JH02T/7528 provisionally subject to the outcome of the Confiscation Case No. 97 of 2014 arising from Nokha P.S. Case No.189 of 2014.

The vehicle of the petitioner was seized while transporting stone chips. Though learned counsel for the petitioner submits that he



did produce the transport challan etc. in support of the goods but since the seizure is the subject-matter of confiscation proceedings hence no opinion is expressed by this Court as regarding the merits of the case. The issue in the present case is only limited to the provisional release of the vehicle. It is well settled that keeping the vehicle in a seized condition is in nobody's interest rather it is an irreversible loss. It is also settled by series of judgments that since the seized vehicles are liable to become obsolete, they should be released in favour of the registered owner subject to such terms and conditions and security as deem fit and proper by the court concerned and which release would obviously be subject to final outcome of the criminal/confiscation proceeding.

It is stated by Mr. Uma Shakar Prasad Singh, learned counsel appearing on behalf of the petitioner that the matter is pending consideration before the Divisional Forest Officer-cum-Authorised Officer, Forest Division, Rohtas at Sasaram.

In the circumstances discussed the Divisional Officer, Rohtas-cum-Authorised Officer under the Forest Act, 1927 (hereinafter referred to as 'the Act') in seisin of Confiscation Case No. 97 of 2014 arising from Nokha P.S. Case No.189 of 2014 is directed to order for release of the vehicle of the petitioner bearing Registration No.JH02T/7528 within a period of four weeks from the

date of receipt/production of a copy of this order subject to fulfillment of the following terms and 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 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 and would produce the vehicle as and when required in the confiscation proceedings.
- (c) The petitioner shall furnish security as deem fit and proper by the authorized officer which shall neither be in the form of cash nor bank guarantee.
- (d) The release of the vehicle shall be governed by the final outcome of the confiscation proceedings.

With the direction aforementioned this writ petition is allowed.

(Jyoti Saran, J)

Vats / S.Sb.

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