

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13043 of 2015

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Nawal Yadav S/o Jagdish Yadav, Resident of Village -Jhumri, P.S. Tilaiya,
District Kodarma (Jharkhand).

.... Petitioner

Versus

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-Authorised Officer, Rohtas Forest
Division, Sasaram, District Rohtas.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Rajani Kant Singh

For the Respondent/s : Mr. Dhurjati Kr Prasad, GP-7

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

4 28-09-2015 Heard Sri Rajani Kant Singh, learned counsel for the

petitioner and Sri Dhurjati Kumar Prasad, learned Govt. Pleader

no.7.

The petitioner, invoking writ jurisdiction of this Court
under Article 226 of the Constitution of India, has prayed for
directing the Respondents to provisionally release his truck,
bearing Registration No.JH-02P/5291.

Learned counsel for the petitioner submits that his
truck was seized on 02.08.2015. It has been accepted by learned
counsel for the petitioner that besides initiating confiscation
proceeding, a criminal case vide Forest Case no.69 of 2015 has
also been initiated. The confiscation proceeding is pending before

the Respondent no.3. Learned counsel for the petitioner submits that the petitioner has filed a petition for provisionally release of his vehicle. Accordingly, a prayer is being made for provisionally release of his truck during pendency of the confiscation proceeding.

Learned counsel for the State opposing the prayer of the petitioner submits that only in the month of August, 2015 the vehicle of the petitioner was seized carrying stone chips, which was being illegally carried.

Keeping in view the fact that the vehicle in question was recently seized and confiscation proceeding is already going on, there is no reason to pass any order for provisional release of the truck. The writ petition stands dismissed.

If so advised, the petitioner may pursue the confiscation proceeding.

(Rakesh Kumar, J)

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