

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7997 of 2015

=====

Santosh Kumar @ Santosh Kumar Kashyap S/o Late Ram Prasad Saw R/o Village
- Nauhatta, P.S.- Nauhatta, District - Rohtas.

.... Petitioner/s

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 Area at Sasaram.
7. The Forestor Tilauthu Cum Darigaon, Forest Circle District - Rohtas.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Uma Shankar Singh

For the Respondent/s : AC to GP 18

=====

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL JUDGMENT

Date: 11-09-2015

Heard Sri Uma Shankar Singh, learned counsel for the
petitioner and learned AC to GP No. 18.

The petitioner, in the present writ petition has prayed for
directing the Respondent No. 4 / Authorized Officer –cum- Divisional
Forest Officer, Rohtas , Sasaram, for provisional release of 42 bags
of Jaungi Hare which is subject matter in Confiscation Case No. 78
of 2014. Alternatively, a prayer has been made for directing the
Respondent No. 4 to finally dispose of the petition dated 15.11.2014
filed by the petitioner for provisional release of the article.

Learned counsel for the petitioner submits that the

petitioner is ready to deposit the cost for provisional release of Jaungi Hare. He submits that there is every possibility that if early decision is not taken the seized article may be destroyed.

In view of the nature of prayer made in the writ petition, the Court is of the opinion that the writ petition can be disposed of even in absence of counter affidavit. Accordingly, the writ petition stands disposed of with an observation that the Respondent No. 4 i.e. Authorized Officer – cum- Divisional Forest Officer, Rohtas , Sasaram, may take appropriate decision on the petition filed by the petitioner for provisional release of all the seized article. It is made clear that this Court has not recorded any opinion on the merit of the case. The decision on the petition filed by the petitioner may be taken within a period of six weeks from the date of receipt / production of a copy of this order.

(Rakesh Kumar, J)

Praful/-

U			
---	--	--	--