

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 9928 of 2015

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Vinay Kumar Singh Son of Upendra Singh, R/o Village - Jamuhar, P.S. -
Dehri, 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 Forestor Tilauthu cum Darigaon, Forest Circle District - Rohtas.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Uma Shankar Singh
For the Respondent/s : AC to Sc17

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

4. 24-11-2015 Heard Sri Uma Shankar Singh, learned counsel for the
petitioner and learned A.C. to Standing Counsel -17.

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-24G-1149 (hereinafter referred to as
the “vehicle in question”) pending confiscation case no.115/2015.

Learned counsel for the petitioner submits that the
vehicle in question was illegally seized in the month of June, 2015
on an allegation of carrying forest produce.

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. 57 of 2015, a confiscation proceeding vide Confiscation Case no. 115/2015 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. However, 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 relied 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's 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.

In this case, a counter affidavit has been filed on behalf of respondent no. 5.

Learned State Counsel, by way of referring to the averments made in the counter affidavit, has vehemently 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.

Be that as it may, in view of Division Bench judgment of this Court passed in L.P.A. No. 2024 of 2015, in the similar circumstances, the Court is of the opinion it would not be appropriate to refuse the prayer of the petitioner. Accordingly, the respondents are directed to release the vehicle in question of the petitioner on following conditions:

- (i) **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.**
- (ii) **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.)

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