

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 9593 of 2015

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Ravindra Kumar Singh S/o - Lalan 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 DistrictMagistrate Rohtas Bihar, Patna.
4. The Authorized Officer Cum Divisional Forest Officer Rohtas , Sasaram
.
5. The District Forest Officer, Rohtas , Sasaram .
6. The Rang 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 Sc16

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

4 24-11-2015 Today again, a prayer is being made by learned A.C. to

Standing Counsel – 16 for adjourning the case for a week for
filing counter affidavit. Earlier, on 18-08-2015, on the prayer
made by learned counsel for the State, the case was adjourned for
four weeks, thereafter, on 16-09-2015, it was adjourned for eight
weeks for filing counter affidavit and today again, same prayer is
being reiterated, which is refused.

The petitioner in the present writ petition, has prayed
for provisionally release of his truck, bearing Registration No.
BR-26G-1952 (hereinafter referred to as the “vehicle in question”)



pending confiscation case no.115 of 2015. The petitioner's vehicle was seized in the month of June, 2015 on an allegation of carrying forest produce on the said vehicle in violation of the Forest Act. Besides lodging a criminal case, vide Forest Case no. 57 of 2015, confiscation proceeding was also initiated. 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.

Learned counsel for the petitioner submits that though such petition for release of the vehicle in question was filed in the month of June, 2015, 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 placed reliance 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 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 view of facts and circumstances, particularly the fact that learned counsel for the petitioner submits that as and when required, the petitioner will produce the vehicle in question before

the authority concerned, the Court is of the opinion that in the light of Division Bench order passed in L.P.A. No. 2024 of 2015, the writ petition can be allowed with a direction to the Authorised Officer-cum-D.F.O., Rohtas at Sasaram to release the vehicle in question on the following conditions:

- (a) 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.
- (b) 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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