

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13088 of 2015

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Raj Bansh Sah Son of late Deo Raj Sah, resident of village- Amra, Talab,
Police Station Sasaram (Mufassil) District Rohtas at Sasaram.

.... Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary, Forest Department, Government of Bihar, Patna.
3. The Superintendent of Police, Rohtas at Sasaram.
4. The Divisional Forest Officer, Rohtas at Sasaram.
5. The S.H.O. Police Station, Dehri (Bhojpur)

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Vipin Kumar Singh

For the Respondent/s : Mr. AC to AAG-15.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

5 24-11-2015 Heard Sri Vipin Kumar Singh, learned counsel for
the petitioner and learned AC to AAG-15.

The petitioner, invoking writ jurisdiction of this Court under Article 226 of the Constitution of India, has prayed for directing the Respondent(s) to provisionally release his Mahindra Tractor bearing Registration No.BR-24F/6715 and trailer bearing registration no.BR-24F/7616 (hereinafter referred to as the “vehicle in question”). Learned counsel for the petitioner submits that the vehicle in question was seized on 05.04.2015 on an allegation of violation of provision of Forest Act. Besides initiating criminal case vide Forest Case no.25 of 2015, a confiscation proceeding vide



Confiscation Case no. 64 of 2015 has also been initiated. It has been pleaded by learned counsel for the petitioner 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. Learned counsel for the petitioner submits that though the vehicle in question was seized in the month of April, 2015, till date no final order has been passed in the confiscation proceeding nor his petition for release of the vehicle in question has been considered by the Divisional Forest Officer. Learned counsel for the State has not disputed the fact that the confiscation proceeding is still pending. 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 concerned.

In view of facts and circumstances, particularly the fact that in similar situation earlier a Single Bench of this Court has allowed the prayer for provisional release as well as the Division Bench recently has approved the provisional

release of the vehicle in question, the Court is of the opinion that the petitioner is also entitled for the same relief. Accordingly, the writ petition is allowed with a direction to the Respondent(s) 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/ 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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