

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8726 of 2016

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Chandeshwar Kumar Son of Sudama Singh resident of village- Gopi Bigha, Police
Station Dehri, District - Rohtas

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Forest and Environment, Bihar, Patna
2. The Divisional Forest Officer-cum-Authorised officer, Rohtas, Forest Division, Rohtas at Sasaram
3. The Forest Tilauthu, Rohtas

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 12778 of 2016

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Vinod Kumar Gupta Son of Sri Premchand Sah, Resident of Village Baijla, P.S.
Sasaram (M) District Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Forest and Environment, Govt. of Bihar, Patna.
2. The Chief Conservator of Forest, Bihar, Patna.
3. The District Magistrate, Rohtas at Sasaram.
4. The Divisional Forest Officer, Rohtas at Sasaram.
5. The District Forest Officer, Rohtas at Sasaram.
6. The Officer-in-charge, Police Station Sanjhauli District Rohtas at Sasaram.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 12881 of 2016

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Jai Prakash Singh Son of Late Man Lal Singh resident of Village- Meerganj Singh
Colony, P.S.- Ara (Town), District- Bhojpur at Ara

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Forest Department, Govt. of Bihar, Patna
3. The Divisional Forest Officer, Rohtas at Sasaram
4. The Forest Range Officer, Tilauthu, Rohtas at Sasaram

.... Respondent/s

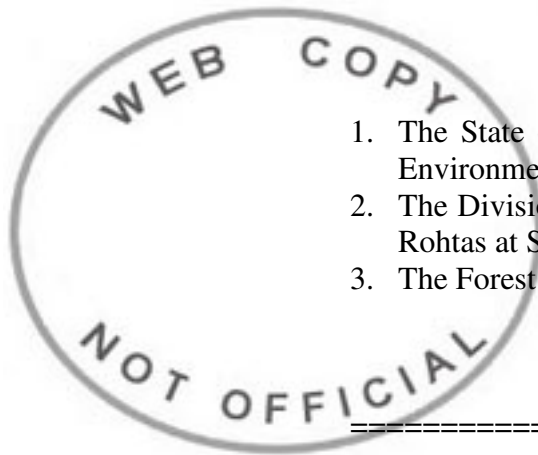
with

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Civil Writ Jurisdiction Case No. 12918 of 2016

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Hewanti Devi Wife of Kameshwar Prasad @ Kameshwar Sah resident of village -



Suara, Police Station Dehri, District - Rohtas

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Forest and Environment, Bihar, Patna

2. The Divisional Forest Officer-cum-Authorised Officer, Rohtas Forest Division, Rohtas at Sasaram

3. The Forester Tilauthu, Rohtas

.... Respondent/s

with

Civil Writ Jurisdiction Case No. 13161 of 2016

Wakil Singh Son of Sita Ram Singh Resident of Village- Dehri-on-Sone, P.S.- Dehri, Distt- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Forest and Environment, Bihar, Patna.

2. The Divisional Forest Officer-cum-Authorised Officer, Rohtas Forest Division, Rohtas.

3. The Forester Tilauthu Range, Rohtas (Sasaram).

.... Respondent/s

with

Civil Writ Jurisdiction Case No. 13397 of 2016

Gopal Pandey Son of Gupteshwar Pandey Resident of Village- Telai , Police Station- Nokha Dist Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Forest and Environment , Bihar,Patna.

2. The Divisional Forest Office-Cum-Authorised Officer, Rohtas, Forest Division, Rohtas at Sasaram.

3. The Forester Darigaon, Rohtas.

.... Respondent/s

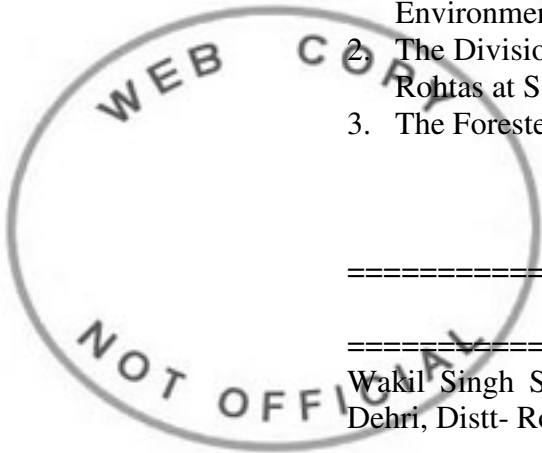
with

Civil Writ Jurisdiction Case No. 13530 of 2016

Jitendra Kumar Chourasiya Son of Lallan Prasad Chaurasiya resident of village - Mohaniya, Police Station Mohaniya, District - Kaimur (Bhabua)

.... Petitioner/s

Versus



1. The State of Bihar through the Principal Secretary Department of Forest and Environment, Bihar, Patna
2. The Divisional Forest Officer-cum-Authorised Officer, Rohtas Forest Division, Rohtas
3. The Forester Mahipur Range, Rohtas (Sasaram)

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 13702 of 2016

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Ravi Kant Singh son of Late Kanhaiya Singh resident of village - Shahpur Chaknawa, Police Station - Indrapuri, District - Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Forest and Environment, Bihar, Patna.
2. The Divisional Forest Officer-cum-Authorised Officer, Rohtas, Forest Division, Rohtas at Sasaram.
3. The Forester Darigaon, Rohtas.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 13780 of 2016

=====

Harendra Singh son of Satyanarayan Singh, resident of Village- Dhankadha, P.S- Sasaram (Muffasil), District- Rohtas at Sasaram.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Forest Department, Govt. of Bihar, Patna.
3. The Divisional Forest Officer, Rohtas at Sasaram.
4. The Forest Range Officer, Tilauthu Rohtas at Sasaram.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 13891 of 2016

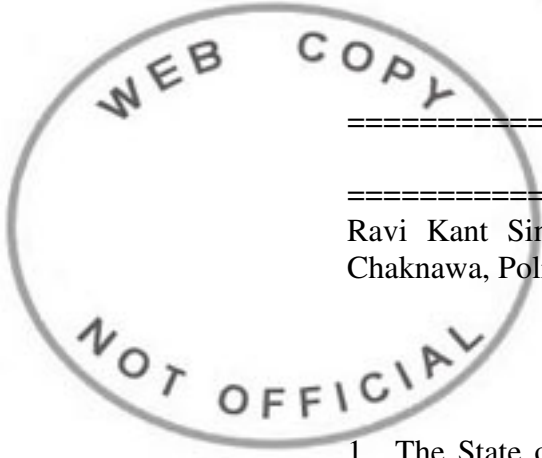
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Ramesh Yadav Son of Ramraj Yadav Singh resident of Village-nooranganj, P.S. Sasaram, District- Rohtas at Sasaram

.... Petitioner/s

Versus

1. The State of Bihar
2. The principal Secretary, Forest Department, Govt.of Bihar, Patna
3. The Divisional Forest Officer, Rohtas at Sasaram
4. The Forest Range Officer, Tilauthu, Rohtas at Sasaram



.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 14802 of 2016
=====

Sunil Kumar Singh son of Ram Nandan Singh resident of village- Bel Bigha, Police Station - Hussainabad, District - Palamu (Jharkhand).

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Forest and Environment, Bihar, Patna.
2. The Superintendent of Police, Rohtas at Dehri-on-Sone.
3. The Divisional Forest Officer-cum-Authorised Officer, Rohtas, Forest Division, Rohtas at Sasaram.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 14845 of 2016
=====

Sunil Kumar Singh son of Deo Narayan Singh, resident of Mohalla- Rajputana, P.O.+P.S.- Dehri, District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Forest and Environment, Bihar, Patna.
2. The Superintendent of Police, Rohtas at Dehri-on-Sone.
3. The Divisional Forest Officer-cum-authorised Officer, Rohtas, Forest Division, Rohtas at Sasaram.

.... Respondent/s

Appearance:**(In CWJC No. 8726 of 2016)**

For the Petitioner/s : Mr. Sanjay Kumar Tiwary

For the Respondent/s : Mr. SATYADEO KUMAR- SC5

(In CWJC No. 12778 of 2016)

For the Petitioner/s : Mr. Raghunandan Kumar Singh

For the Respondent/s : Mr. AWANISH NANDAN SINHA- GP21

(In CWJC No. 12881 of 2016)

For the Petitioner/s : Mr. Vipin Kumar Singh

For the Respondent/s : Mr. CHITRANJAN SINHA- PAAG2

(In CWJC No. 12918 of 2016)

For the Petitioner/s : Mr. Sanjay Kumar Tiwary

For the Respondent/s : Mr. RAGHWANAND,GA-11

(In CWJC No. 13161 of 2016)

For the Petitioner/s : Mr. Sanjay Kumar Tiwary

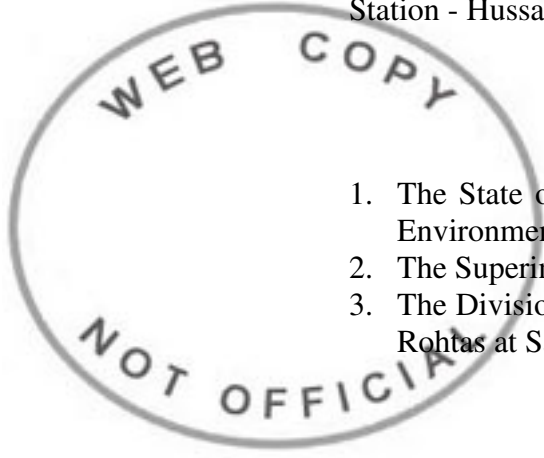
For the Respondent/s : Mr. GAJENDRA PD.YADAV,SC-17

Ms. Alka Verma, A.C. to SC-17

(In CWJC No. 13397 of 2016)

For the Petitioner/s : Mr. Sanjay Kumar Tiwary

For the Respondent/s : Mr. DHURJATI KR. PRASAD, GP-14



(In CWJC No. 13530 of 2016)

For the Petitioner/s : Mr. Sanjay Kumar Tiwary

For the Respondent/s : Mr. AWANISH NANDAN SINHA- GP21

(In CWJC No. 13702 of 2016)

For the Petitioner/s : Mr. Sanjay Kumar Tiwary

For the Respondent/s : Mr. GAJENDRA PD. YADAV- SC17

(In CWJC No. 13780 of 2016)

For the Petitioner/s : Mr. Vipin Kumar Singh

For the Respondent/s : Mr. DHURJATI KR. PRASAD, GP-14

(In CWJC No. 13891 of 2016)

For the Petitioner/s : Mr. Vipin Kumar Singh

For the Respondent/s : Mr. GAJENDRA PD. YADAV, SC-17

(In CWJC No. 14802 of 2016)

For the Petitioner/s : Mr. Sanjay Kumar Tiwary

For the Respondent/s : Mr. CHITRANJAN SINHA, PAAG-2

(In CWJC No. 14845 of 2016)

For the Petitioner/s : Mr. Sanjay Kumar Tiwary

For the Respondent/s : Mr. ANANT PD. SINGH, SC-15

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 18-11-2016

Heard learned counsel for the parties.

The petitioners in each of these writ petitions pray for a provisional release of their vehicle pending disposal of the confiscation case(s) instituted against them. While making such prayer, the petitioners do also admit that they have filed application in this regard before the Authorised Officer-cum-the Divisional Forest Officer, Rohtas, which remains pending.

Since in each of these cases the relief prayed by the petitioner is identical hence they have been taken up together for analogous hearing and disposal with the consent of the parties.

The individual grievance of the petitioner in each of the writ petitions are given hereinbelow:

(1) CWJC No. 8726 of 2016:

In this case the grievance of the petitioner is that his

vehicle bearing Registration No. UP-67-9864 has been seized in Confiscation Case No.84 of 2016 arising from Forest Case No. 35 of 2016. It is also submitted that a release petition filed on 02.05.2016 seeking provisional release of the vehicle is pending disposal in the confiscation case.

(2) CWJC No. 12778 of 2016:

In this case the grievance of the petitioner is that his vehicle bearing Registration No. JH-09F-6062 has been seized in Confiscation Case No. 93 of 2016 arising from Sanjhauli P.S. Case No. 68 of 2015. It is also submitted that a release petition filed on 10.05.2016 seeking provisional release of the vehicle is pending disposal in the confiscation case.

(3) CWJC No. 12881 of 2016:

In this case the grievance of the petitioner is that his vehicle bearing Registration No. BR-3G/3207 has been seized in Confiscation Case No. 88 of 2016(c) arising from Dehari P.S. Case No. 79 of 2016. It is also submitted that a release petition filed on 30.04.2016 seeking provisional release of the vehicle is pending disposal in the confiscation case.

(4) CWJC No. 12918 of 2016:

In this case the grievance of the petitioner is that his vehicle bearing Registration No. BR-24G-1045 has been seized in Confiscation Case No. 154(B) of 2016 arising from Forest Case No. 71 of 2016. It is also submitted that a release petition filed on 23.07.2016 seeking provisional release of the vehicle is pending disposal in the confiscation case.

(5) CWJC No. 13161 of 2016:

In this case the grievance of the petitioner is that his vehicle bearing Registration No. BR01GE6281 has been seized in Confiscation Case No. 110 of 2016 arising from Forest Case No. 42 of 2016. It is also submitted that a release petition filed on 22.4.2016 seeking provisional release of the vehicle is pending disposal in the confiscation case.

(6) CWJC No. 13397 of 2016:

In this case the grievance of the petitioner is that his vehicle bearing Registration No. JH-09J-7545 has been seized in Confiscation Case No. 155 of 2016 arising from Forest Case No. 60 of 2016. It is also submitted that a release petition filed on 25.07.2016 seeking provisional release of the vehicle is pending disposal in the confiscation case.

(7) CWJC No. 13530 of 2016:

In this case the grievance of the petitioner is that his vehicle bearing Registration No. UP 67C-4999 has been seized in Confiscation Case No. 101 of 2016 arising from Forest Case No. 37 of 2016. It is also submitted that a release petition filed on 10.05.2016 seeking provisional release of the vehicle is pending disposal in the confiscation case.

(8) CWJC No. 13702 of 2016:

In this case the grievance of the petitioner is that his vehicle bearing Registration No. JH-17D-4717 has been seized in Confiscation Case No. 155 of 2016

arising from Forest Case No. 60 of 2016. It is also submitted that a release petition filed on 03.08.2016 seeking provisional release of the vehicle is pending disposal in the confiscation case.

(9) CWJC No. 13780 of 2016:

In this case the grievance of the petitioner is that his vehicle bearing Registration No. JH-17D/8903 has been seized in Confiscation Case No. 126 of 2016(G) arising from Forest Case No. 56 of 2016. It is also submitted that a release petition filed on 14.07.2016 seeking provisional release of the vehicle is pending disposal in the confiscation case.

(10) CWJC No. 13891 of 2016:

In this case the grievance of the petitioner is that his vehicle bearing Registration No. JH02E/4097 has been seized in Confiscation Case No. 126 of 2016(c) arising from Forest Case No. 56 of 2016. It is also submitted that a release petition filed on 14.07.2016 seeking provisional release of the vehicle is pending disposal in the confiscation case.

(11) CWJC No. 14802 of 2016:

In this case the grievance of the petitioner is that his vehicle bearing Registration No. JH-02B-9574 has been seized in Confiscation Case No. 116 of 2015 arising from Dehari P.S. Case No. 261 of 2015. It is also submitted that a release petition filed on 27.08.2016 seeking provisional release of the vehicle is pending disposal in the confiscation case.

(12) CWJC No. 14845 of 2016:

In this case the grievance of the petitioner is that his

vehicle bearing Registration No. JH-02D-7383 has been seized in Confiscation Case No.116 of 2015 arising from Dehri P.S. Case No. 261 of 2015. It is also submitted that a release petition filed on 26.08.2016 seeking provisional release of the vehicle is pending disposal in the confiscation case.

Having heard learned counsel for the parties and considering the nature of relief prayed in the respective writ petitions, I deem it fit and proper to direct the Authorized Officer-cum-Divisional Forest Officer, Rohtas at Sasaram to consider and dispose of the application filed by the petitioner(s) seeking provisional release of their seized vehicles in question, in accordance with law and after hearing the parties bearing in mind the law settled on the issue and the order(s) passed by this Court on provisional release, expeditiously and preferably within three months from the date of receipt/production of a copy of this order.

S.Sb/-

(Jyoti Saran, J)

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