

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18063 of 2016

=====

Rakesh Singh S/o Kuar Singh R/o Village- Sonadih, P.S.- Kargahar,
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 Authorised 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.

.... Respondents

=====

Appearance :

For the Petitioner/s : Mr. Uma Shankar Singh, Adv.

For the Respondent/s : Mr. Sanjay Kumar, AC to SC-15

=====

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

3 16-12-2016 Heard Mr. Uma Shankar Singh, learned counsel appearing for the petitioner and Mr. Sanjay Kumar, AC to SC-15 for the State.

The petitioner while questioning the order dated 16.9.2016 of the respondent Authorized Officer cum Divisional Forest Officer, Rohtas at Sasaram in Confiscation Case No. 149/2016, impugned at Annexure 6, prays for provisional release of his vehicle bearing registration No. JH-02P-3121, which has been seized in connection with the confiscation case.

The petitioner had earlier come before this Court in C.W.J.C.No. 12090/2016 and when this Court taking notice of his prayer for provisional release of his vehicle had directed the Authorized Officer cum Divisional Forest Officer, Rohtas to



consider his prayer and dispose of the same taking note of the legal position settled on the issue. It is not in dispute that the confiscation proceeding yet remains pending. Though as per statement made in paragraph 19 of the counter affidavit the petitioner is not co-operating in disposal of the confiscation proceeding but the statement is being contested by Mr. Singh, learned counsel for the petitioner to submit that the matter was last heard on 13.12.2016 but the hearing has remained inconclusive.

Having heard the learned counsel for the parties and considering that the confiscation proceeding yet remains pending for final disposal and no useful purpose would be served in keeping the vehicle subjected to vagaries of weather, I deem it fit and proper to direct the Authorized Officer cum Divisional Forest Officer, Rohtas at Sasaram (respondent no.4) for provisional release of the vehicle of the petitioner bearing registration No. JH-02P-3121 within four weeks of the receipt/ production of a copy of the order on the following terms and conditions:

- (a) The petitioner shall produce original papers supporting the ownership of the vehicle in question including the registration papers, the insurance paper, the tax token and the pollution certificate.
- (b) The petitioner shall file an undertaking in the



form of an affidavit that he shall not alienate the vehicle or transfer the vehicle in favour of any third party during the pendency of the confiscation proceedings and shall produce the vehicle as and when required in the confiscation proceedings.

(c) The petitioner shall furnish such security as deem fit and proper by the Divisional Forest Officer cum Authorized Officer, Rohtas at Sasaram which shall neither be in the form of cash nor bank guarantee.

(d) The release of the vehicle shall be governed by the final outcome of the confiscation proceedings.

In result, the order dated 16.9.2016 of the respondent Authorized Officer cum Divisional Forest Officer, Rohtas at Sasaram in Confiscation Case No. 149/2016, impugned at Annexure 6, is quashed and set aside. The writ petition is allowed.

(Jyoti Saran, J)

Surendra/-

U			
---	--	--	--

