

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.2031 of 2016
Arising out of
Civil Writ Jurisdiction Case No. 12176 of 2016**

Kamal Singh, Son of Nand Kishore Singh, Resident of Mohalla - Gola Road,
Police Station Danapur, District-Patna through Baban Singh, Son of Ramekbal
Singh, Resident of village - Badiha, Police Station Nasriganj, District – Rohtas.

.... Appellant

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 Area at Sasaram
7. The Forester, Tilauthu Cum Darigaon Forest Circle, District Rohtas

.... Respondent

Appearance:

For the Appellant/s : Mr. Bindhyachal Singh, Advocate.
Mr. Vipin Kumar Singh, Advocate.
For the Respondent/s : Mr. Sarvesh Kumar Singh, AAG-13.
Mr. Ravi Kumar, AC to AAG-13.

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 28-11-2016

The challenge in the present Letters Patent Appeal is to an order passed by the learned Single Bench on 20.08.2016 whereby, the Authorized Officer-cum-Divisional Forest Officer, Rohtas at Sasaram was directed to decide the application filed by the appellant for provisional release of the seized vehicle within three months from the date of receipt/production of a copy of the order.

2. Learned counsel for the appellant relies upon an order passed by the Division Bench of this Court in L.P.A. No. 2032

of 2016 (Aditya Raj Vs. the State of Bihar and Ors.) decided on 26.10.2016 whereby, this Court has ordered to release the vehicle provisionally even when confiscation proceeding was pending.

3. In view of the aforesaid order, the present Letters Patent Appeal is disposed of for the reasons recorded therein. The impugned order passed by the learned Single Bench is set aside and the Divisional Forest Officer, Rohtas at Sasaram is directed to release the vehicle in question provisionally subject to following conditions.

(i) The appellant shall furnish all the necessary papers/documents of ownership and security as may be deemed fit and proper by respondent No.4.

(ii) The appellant 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.

(Hemant Gupta, ACJ)

(Vikash Jain, J)

Mishra

AFR/NAFR	N.A.F.R.
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