

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.617 of 2015
Arising out of
Civil Writ Jurisdiction Case No. 12704 of 2014**

- =====
1. The State of Bihar.
 2. The District Magistrate, Rohtas at Sasaram.
 3. The Divisional Forest Officer-cum-Authorised Officer, Rohtas Forest Division,
Sasaram, Rohtas.

.... Appellants

Versus

Surya Kumar Rai, Son of Late Hari Krishna Rai, Resident of Mohalla- 10/8 Ganpati
Bangla Road, Kolkata 700007 (West Bengal). at Present resident of village-
Akauna, P.S.- Simari, District- Buxar.

.... Respondent

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Appearance :

For the Appellants : Mr. D.K. Sinha, A.A.G. 2

For the Respondent :

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**CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA
and
HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)
Date: 30-06-2016**

Re.:I.A. No. 2704 of 2015

The application is for condonation of delay of 167 days in
filing the Letters Patent Appeal.

2. For the reasons mentioned in the Interlocutory
Application, we are satisfied that the appellants have shown sufficient

cause to seek condonation of delay of 167 days in filing the present Letters Patent Appeal.

3. Consequently, Interlocutory Application No. 2704 of 2015 is allowed and delay of 167 days in filing the Letters Patent Appeal is condoned.

Re.: L.P.A. No. 617 of 2015

The challenge in the present Letters Patent Appeal is to an order dated 5th of September, 2014 passed by the learned Single Bench of this Court in C.W.J.C. No. 12704 of 2014 and other analogous cases. Vide the order under appeal, the Vehicle No. WB-23C/0681 seized on the allegations of transporting forest produce without any supportive papers was ordered to be released on furnishing of such security as deem fit and proper by the Divisional Forest Officer-cum-Authorized Officer subject to final outcome of the confiscation proceedings.

2. We find that the order passed is equitable and in the interest of justice so as to not deprive the owner of the vehicle from the use of the same pending finalization of the confiscation proceedings.

3. We do not find that such order of temporary release of vehicle suffers from any patent illegality or irregularity which may warrant interference in the present Letters Patent Appeal. The same is,

therefore, dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

P.K.P.
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