

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.597 of 2015
Arising out of
Civil Writ Jurisdiction Case No. 13020 of 2014

- =====
1. The State of Bihar through the 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 Ara at Sasaram.
 7. The Forester Tilauthu Cum Darigaon, Fores Circle District- Rohtas.

.... Appellants

Versus

Jai Ram Kumar, son of Gopal Sah, Resident of Village- Amratalab, P.O. - Karvandiya, P.S. Sasaram , Distt. - Rohtas.

.... Respondent

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Appearance :

For the Appellants : Mr. Alok Kumar Rahi, A.C. to 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: 29-06-2016

Re.:I.A. No. 2596 of 2015

The application is for condonation of delay of 185 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 185 days in filing the present Letters Patent Appeal.

3. Consequently, Interlocutory Application No. 2596 of 2015 is allowed and delay of 185 days in filing the Letters Patent Appeal is condoned.

Re.: L.P.A. No. 597 of 2015

The challenge in the present Letters Patent Appeal is to an order dated 20th of August, 2014 passed by the learned Single Bench of this Court in C.W.J.C. No. 13020 of 2014 and other analogous cases. Vide the order under appeal, the Vehicle No. JH01AD/8685 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)

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