

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1331 of 2015
Arising out of
Civil Writ Jurisdiction Case No. 14672 of 2014
Along with
Interlocutory Application No.5811 of 2015

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1. The State of Bihar
 2. The Divisional Forest Officer, Rohtas Forest Division, Rohtas at Sasaram
 3. The Range Officer of Forest, Bikramganj Range, Bikramganj
 4. The State Head Officer, Bikramganj Police Station Bikramganj
- Appellant/s

Versus

Ramashankar Upadhyay, Son of Late Prithvinath Upadhyay, resident of Thana Road, Dumraon, P.O. + P.S. Dumraon, District - Buxar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. D.K.Sinha, AAG-2

For the Respondent/s :

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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. 5811 of 2015

The application is for condonation of delay of 173 days in filing the Letters Patent Appeal.

For the reasons mentioned in the Interlocutory Application, we are satisfied that the appellants have shown sufficient cause to seek condonation of delay of 173 days in filing the present Letters Patent Appeal. Consequently, the delay is condoned.

Interlocutory Application stands disposed of.

Re.: L.P.A. No. 1331 of 2015

The challenge in the present Letters Patent Appeal is to

an order dated 05.09.2014 passed by the learned Single Bench of this Court in C.W.J.C. No. 14672 of 2014 and other analogous cases. Vide the order under appeal, the Vehicle No. BR-44C-3307 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.

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.

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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