

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1267 of 2015

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1. Rakesh Chaubey S/o Ramjee Chaubey R/o Pipari, P.S. Sasaram, Distt. - Rohtas, Presently residing at Mango, Jamshedpur, Jharkhand

.... Petitioner/s

Versus

1. The State of Bihar through the Divisional Forest officer, Sasaram, Distt. - Rohtas. (Bihar)
2. The Divisional Forest officer, Sasaram, Distt. - Rohtas, (Bihar)
3. The Officer - in - Charge, (Muffasil), P.S. Sasaram, Distt. - Rohtas (Bihar)
4. The Forester, Tilauthoo - Cum - Darigaon, (Seizing Authority) Sasaram, Distt. - Rohtas

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shri Prakash Tiwari, Adv.
For the Respondent/s : Smt. N. Nirvikar (GA-10)
Mr. Manoj Kumar, A.C. to GA-10

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 19-01-2016 By way of the present application under Articles 226 and 227 of the Constitution of India, the petitioner seeks a direction to be issued to the respondents to release the Hywa/Truck bearing Registration No.JH-05X-0218 which has been seized in connection with Forest Case No. 86 of 2015 pending in the court of Chief Judicial Magistrate, Sasaram, Rohtas.

It is contended that Confiscation Case No.180 of 2015 has already been initiated in respect of the aforesaid vehicle and on receipt of notice the petitioner has already filed his show cause. It is also contended that an application for interim custody

of the vehicle during pendency of the confiscation proceeding has also been filed before the Divisional Forest Officer, Sasaram, which is pending adjudication.

In view of the fact that the petitioner has already invoked equally efficacious statutory remedy before the Authorized Officer (Divisional Forest Officer, Sasaram) by filing a show cause and an application dated 17.10.2015 for release of the vehicle, I am not inclined to entertain the present application. Accordingly, the application is dismissed.

However, taking into consideration the urgency of the matter, the learned Divisional Forest Officer, Sasaram is directed to dispose of the matter expeditiously, preferably within two months from the date of receipt/production of a copy of the order.

(Ashwani Kumar Singh, J)

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