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IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.253 of 2016

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1. Jai Prakash Singh Son of Manlal Singh resident of M.G. Nagar, Bahadurpur, Kankarbag, Police Station - Patrakarnagar, District - Patna, Presently residing at Mohalla - Bind Toli, Ward No. 6, Arrah Chouk, Police Station - Arrah (Town), District - Bhojpur

.... Petitioner/s

Versus

1. The State of Bihar
2. The Director General of Police, Bihar, Patna
3. The Superintendent of Police, Rohtas at Sasaram
4. The Inspector of Police Cum S.H.O. Dehri (Town)

.... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Bindhyachal Singh, Adv.
Mr. Vipin Kumar Singh, Adv.
For the Respondent/s : Mr. Prakash Chandra Jha, AC to GA-II
Mr. R.R.K.Pandey (SC 29)
For the Mines Deptt. : Mr. D.K. Sinha, Sr. Adv.

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

15 01-08-2016 With the help of this writ petition made, under Articles 226 and 227 of the Constitution of India, the petitioner seeks quashing of the First Information Report in Dehri (Town) P.S. Case No.79 of 2016, registered under Sections 379 and 411 of the Indian Penal Code, 4(1-A), 21(I) of DE Act and 40(1) of Mining Act and 33, 41, 42, and 52 of Forest Act, pending in the Court of learned Sub-divisional Judicial Magistrate, Dehri, the case of the petitioner being that though an allegation had been made that the petitioner was caught, while carrying *forest produce*, not covered by valid Chalan,

the articles in question, being stone chips, which, according to the petitioner, cannot be described as a *forest produce* within the meaning of the Forest Act and, secondly, the materials, in question, were being carried covered by valid Chalan.

Heard Mr. Bindhyachal Singh, learned Counsel, appearing on behalf of the petitioner, and Mr. Prakash Chandra Jha, learned Assistant Counsel to Government Advocate No.II, appearing on behalf of the State-respondents. Heard also Mr. D.K. Sinha, learned Senior Counsel, appearing on behalf of the respondent Mines Department.

During the course of hearing, it transpires that *confiscation proceeding* has already been started in respect of the materials, which have been, admittedly, seized, including the vehicle, wherein the stone chips were being, admittedly, carried.

In view of the above, the petitioner seeks to withdraw this writ petition with liberty to take recourse to such provisions of law as may be permissible.

This writ petition is, accordingly, disposed of as withdrawn with liberty to take recourse to such provisions of law as may be permissible.

It is made clear that it would remain open to the

petitioner to satisfy the authorities empowered to confiscate and also the learned Court below that no offence has been committed by the petitioner either on account of the fact that the stone chips are not forest produce within the meaning of Forest Act or that the stone chips, in question, were covered by valid Chalan.

(I.A. Ansari, CJ)

K.C.jha/-

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