

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.212 of 2016

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1. Dharmendra Pal, Son of Baijnath Pal, resident of Village- Devaria, Police Station- Akodhigola, District- Rohtas at Sasaram.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Director General of Police, Bihar, Patna.
3. The Superintendent of Police, Patna, Bihar.
4. The Deputy Superintendent of Police, Dehri, Rohtas at Sasaram.
5. The Inspector of Police cum S.H.O. Darihat.

.... 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-11
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

17 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 Darihat P.S. Case No.81 of 2015, registered under Sections 379 and 414 of the Indian Penal Code and 4 and 44 of Mining Act and 41, 42, 51 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 a 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 a valid Chalan.

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This writ petition is, accordingly, disposed of as withdrawn with liberty to take recourse to such provisions of law as may be permissible.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