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IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2426 of 2016

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Sohrab Alam, Son of Ali Mullah, Resident of village and P.O. Nasriganj, P.S. Nasriganj, District – Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Forest Department, Government of Bihar, Patna.
2. The District Magistrate, Rohtas at Sasaram.
3. The Divisional Forest Officer - Cum - Authorised Officer, Rohtas Forest Division, Sasaram, District – Rohtas.

.... Respondent/s

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With

Civil Writ Jurisdiction Case No.2439 of 2016

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Ashok Singh, Son of Sri Sheo Pravesh Singh, Resident of Co-operative Colony, Chas, Bokara Steel City, District Bokaro (Jharkhand) at Present resident of Mohalla New Area, PO -Dalmianagar, PS Dehri, District Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Forest Department Government of Bihar,Patna.
2. The District Magistrate, Rohtas at Sasaram.
3. The Divisional Forest Officer-cum-Authorized Officer, Rohtas Forest Division, Sasaram, District Rohtas.

.... Respondent/s

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With

Civil Writ Jurisdiction Case No.2928 of 2016

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Surendra Singh, Son of Late Jang Bahadur Singh, Resident of Rajghat, Admapur, Varanasi (U.P.)

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Forest Department, Government of Bihar, Patna.
2. The District Magistrate, Rohtas at Sasaram.
3. The Divisional Forest Officer - Cum - Authorised Officer, Rohtas Forest Division, Sasaram, District- Rohtas.

.... Respondent/s

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With

Civil Writ Jurisdiction Case No.3030 of 2016

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Vindeshwari Prasad, Son of Late Jagan Sah, Resident of village - Sheoganj, Balgovind Bigha, P.S. Dehri - on - Sone, District - Rohtas at Present C/o Jai Prakash Singh, Resident of MJohalla - Lohanipur, P.S. Kadam Kuan, District – Patna.

.... Petitioner/s

Versus

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1. The State of Bihar, through the Principal Secretary, Forest Department, Government of Bihar, Patna.
2. The District Magistrate, Rohtas at Sasaram.
3. The Divisional Forest Officer -Cum - Authorised Officer, Rohtas Forest Division, Sasaram, District – Rohtas.

.... Respondent/s

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With

Civil Writ Jurisdiction Case No.3595 of 2016

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Nagendra Singh, Son of Ram Vachan Singh, Resident of Sharma Motors, Raigarh (Chhatisgarh), At present Resident of Village - Kanchanpur, P.S. - Sasaram (Model), District - Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Forest Department, Government of Bihar, Patna.
2. The District Magistrate, Rohtas at Sasaram.
3. The Divisional Forest Officer - cum- Authorised Officer, Rohtas Forest Division, Sasaram, District - Rohtas.

.... Respondent/s

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with

Civil Writ Jurisdiction Case No.3622 of 2016

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Ravindra Kumar, Son of Kameshwar Singh, Resident of village - Amari, Police Station -Sasaram (M), District – Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Forest and Environment, Bihar, Patna.
2. The Divisional Forest Officer - Cum - Authorised Officer, Rohtas, Forest Division, Rohtas at Sasaram.
3. The Forester, Tilauthu, Rohtas.

.... Respondent/s

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With

Civil Writ Jurisdiction Case No.3626 of 2016

==========

Shailendra Singh, Son of Shyam Narayan Singh, Resident of village - Kanchanpur, P.S. Sasaram (M), District – Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Forest Department, Government of Bihar, Patna.
2. The District Magistrate, Rohtas at Sasaram.
3. The Divisional Forest Officer - Cum - Authorised Officer, Rohtas Forest Division, Sasaram, District Rohtas.

.... Respondent/s

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Appearance :
(In CWJC No.2426 of 2016)

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For the Petitioner/s : Mr. Rajani Kant Singh
For the Respondent/s : Mr. R.S. Nath AAG-3
(In CWJC No.2439 of 2016)
For the Petitioner/s : Mr. Rajani Kant Singh
For the Respondent/s : Mr. Durgessh Nandan, AAG-14
(In CWJC No.2928 of 2016)
For the Petitioner/s : Mr. Rajani Kant Singh
For the Respondent/s : Mr. Sheo Shankar Pd., SC-8
Mr. Praveen Kumar Singh, AC to SC-8
Mr. Sanjay Kumar, AC to SC-8
(In CWJC No.3030 of 2016)
For the Petitioner/s : Mr. Rajani Kant Singh
For the Respondent/s : Mr. Vijay Kr. Singh No.1, AC to SC-18
(In CWJC No.3595 of 2016)
For the Petitioner/s : Mr. Rajani Kant Singh
For the Respondent/s : Mr. Ashok Kumar Kesari AAG-11
(In CWJC No.3622 of 2016)
For the Petitioner/s : Mr. Sanjay Kumar Tiwary
For the Respondent/s : Mr. P.K. Verma, AAG-3
Ms. Divya Verma, AC to AAG-3
(In CWJC No.3626 of 2016)
For the Petitioner/s : Mr. Rajani Kant Singh
For the Respondent/s : Mr. P.N. Shahi, AAG-10

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL ORDER

2 16-09-2016 Heard the parties.

The petitioners in each of these writ petitions pray for a provisional release of their vehicle pending disposal of the confiscation case(s) instituted against them. While making such prayer, the petitioners do also admit that they have filed application in this regard before the Authorised Officer –cum-the Divisional Forest Officer, Rohtas, which remains pending.

Since in each of these cases the relief prayed by the petitioner is identical hence they have been taken up together for analogous hearing and disposal with the consent of the parties.

The individual grievance of the petitioner in each of the writ petitions are given hereinbelow:

(1) CWJC No.2426 of 2016:

In this case the grievance of the petitioner is that his vehicles bearing Registration No.BEZ-678 and BR-24G-0541 have been seized in Confiscation Case No.12 of 2016 (A+B) arising from Forest Case No.3 of 2016. It is also submitted that a release petition filed on 1.2.2016 seeking provisional release of the vehicle is pending disposal in the confiscation case.

(2) CWJC No.2439 of 2016:

In this case the grievance of the petitioner is that his vehicle bearing Registration No.BR-17A-2621 has been seized in Confiscation Case No.12 of 2016(C) arising from Forest Case No.3 of 2016. It is also submitted that a release petition filed on 1.2.2016 seeking provisional release of the vehicle is pending disposal in the confiscation case.

(3) CWJC No.2928 of 2016:

In this case the grievance of the petitioner is that his vehicle bearing Registration No.UP-65H-6611 has been seized in Confiscation Case No.26 of 2016 arising from Forest Case No.11 of 2016. It is also submitted that a release petition filed on 9.2.2016 seeking provisional release of the vehicle is pending

disposal in the confiscation case

(4) CWJC No.3030 of 2016:

In this case the grievance of the petitioner is that his vehicle bearing Registration No.BR-01GA-4045 has been seized in Confiscation Case No.16 of 2016 arising from Forest Case N.5 of 2016. It is also submitted that a release petition filed on 8.2.2016 seeking provisional release of the vehicle is pending disposal in the confiscation case.

(5) CWJC No.3595 of 2016:

In this case the grievance of the petitioner is that his vehicle bearing Registration No.CG-13D-1956 has been seized in Confiscation Case No.25 of 2016 arising from Dehri (T) P.S. Case No.407 of 2015. It is also submitted that a release petition filed on 13.2.2016 seeking provisional release of the vehicle is pending disposal in the confiscation case.

(6) CWJC No.3622 of 2016:

In this case the grievance of the petitioner is that his vehicle bearing Registration No.UP-63-K-9179 has been seized in Confiscation Case No.16 of 2016 arising from Forest Case No.05 of 2016. It is also submitted that a release petition filed on 6.2.2016 seeking provisional release of the vehicle is pending disposal in the confiscation case.

(7) CWJC No.3626 of 2016:

In this case the grievance of the petitioner is that his vehicle bearing Registration No.WB-41F-1100 has been seized in Confiscation Case No.25 of 2016 arising from Dehri P.S. Case No.407 of 2015. It is also submitted that a release petition filed on 13.2.2016 seeking provisional release of the vehicle is pending disposal in the confiscation case.

Having heard learned counsel for the parties and considering the nature of relief prayed in the respective writ petitions, I deem it fit and proper to direct the Authorized Officer-cum-Divisional Forest Officer, Rohtas at Sasaram to consider and dispose of the application filed by the petitioner(s) seeking provisional release of their seized vehicles in question, in accordance with law and after hearing the parties bearing in mind the law settled on the issue and the order(s) passed by this Court on provisional release, expeditiously and preferably within three months from the date of receipt/production of a copy of this order.

(Jyoti Saran, J)

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