

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.583 of 2015
Arising out of
Civil Writ Jurisdiction Case No. 14142 of 2014
Along with
Interlocutory Application No.2568 of 2015

- =====
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 Darigaon, Rohtas.

.... Respondents-Appellants

Versus

Manoj Kumar Upadhyay, Son of Paras Nath Upadhyay, Resident of village - Ahirauli, P.S.- Industrial Area, Buxar, Distt.- Buxar.

.... Petitioner-Respondent/s

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Appearance :

For the Appellant/s : Mr. D. K. Sinha, A.A.G.-2
Mr. Abhinay Raj, Advocate

For the Respondent/s : None

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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: 24-06-2016

Re.: Interlocutory Application No.2568 of 2015

The application is for condonation of delay of 168 days in filing of the present Letters Patent Appeal.

For the reasons mentioned in the application, we find that sufficient cause is made out for condonation of delay. Consequently, we condone the delay in filing of the present Letters Patent Appeal.

Interlocutory Application stands allowed accordingly.

Re.: Letters Patent Appeal No.583 of 2015

The challenge in the present Letters Patent Appeal is to

an order dated 4th of September, 2014 passed in CWJC No.14142 of 2014 and other analogous cases. Vide the order under appeal, the Vehicle No.44G-0422 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.)

Sunil/-

AFR/NAFR	
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