

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18428 of 2015

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Lilawati Devi Wife of Ishwar Dayal resident of village - Pindi, Post office - Pindi,
Police Station - Deoria, District - Uttar Pradesh

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Forest and Environment, Government of Bihar, Patna
2. The District Forest Officer, Rohtas at Sasaram

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 6991 of 2016

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Sunil Kumar Sharma S/o Lalan Sharma, R/o Village - Chanp, P.S. - Akorhigoal,
District - Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Forest Department Government of Bihar, Patna.
2. The Chief Conservator of Forest Bihar, Patna.
3. The District Magistrate Rohtas, Sasaram.
4. The Authorized Officer cum Divisional Forest Officer Rohtas, Sasaram.
5. The District Forest Officer, Rohtas, Sasaram.
6. The Range Officer Sasaram Forest Ara at Sasaram.
7. The Forestor Tilauthu cum Darigaon, Forest Circle District - Rohtas.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 10772 of 2016

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Upendra Sah Son of Gobardhan Sah, Resident of Village- Amari, 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- Authorized Officer, Rohtas Forest Division, Sasaram, District- Rohtas.



.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 14396 of 2016

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1. Anil Kumar Singh
2. Santosh kumar Singh Both son of Harihar Singh Both are son of resident of village - Gijwahin,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-Authorized officer, Rohtas Forest Division Sasaram, District - Sasaram

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 14534 of 2016

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Nitesh Ranjan @ Nitish Singh, son of Surya Bansh Singh, Resident of Village-Kanchanpur Rahuliya, 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- Authorized Officer, Rohtas Forest Division- Sasaram, District-Rohtas.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 15289 of 2016

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Vijay Kumar Son of Bajrangi Sah Resident of 106 Kolo Dehri, Patalpura, P.S.- Sahar (Chauri), District-Bhojpur

.... 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-authorised Officer, Rohtas Forest Division, -



Sasaram, District-Rohtas.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 17440 of 2016

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Harendra Singh son of Sri Ramashish Singh Resident of Village- Tilai, P.S.- Sanjhauli, District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar through the Director/ Secretary, Dept. of Mines and Geology, Govt. of Bihar, Patna.
2. The Principal Secretary, Dept. of Forest and Enjoinment of Bihar, Patna.
3. The Divisional Forest Officer, Rohtas as Sasaram.
4. The District Forest Officer, Rohtas at Sasaram.
5. S.H.O., Dehri Town P.S. Rohtas.
6. The Collector Rohtas at Sasaram.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 18098 of 2016

=====

Ashutosh Kumar Singh S/o Nagendra Singh R/o Village- Kanchanpur, P.S. Sasaram, District Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Forest Department Government of Bihar, Patna;
2. The Chief Conservator of Forest Bihar, Patna.
3. The District Magistrate Rohtas, Sasaram.
4. The Authorized officer Cum Divisional Forest Officer Rohtas, Sasaram.
5. The District Forest officer, Rohtas, Sasaram.
6. The Range Officer Sasaram Forest Ara at Sasaram
7. The Forestor Tilauthu cum Darigaon, Forest Circle, District- Rohtas

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 18315 of 2016

=====

Dhaneshwar Paswan son of Surya Banshi Paswan Resident of Village - Sita Bigha, Police Station - 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-Authorized Officer, Rohtas Forest Division,
Sasaram, District - Rohtas.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 18323 of 2016

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Ajay Choudhary Son of L.T.B. Choudhary, Resident of village - Basantpur,
Chougai, Police Station Chougai, District - Buxar, At Present residing at
Choudheypur, Varanasi (Uttar Pradesh)

.... 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 - Authorized officer, Rohtas Forest
Division, Sasaram, District - Rohtas

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 18379 of 2016

=====

Sanjay Prasad son of Keshaw Prasad Resident of Village-Dhanpurwa (New Area),
Police Station-Sasaram, 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-Authorized officer, Rohtas Forest Division,
Sasaram District Rohtas

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 18571 of 2016

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Balwant Kumar @ Balwant Ray Mehta Son of Chandradip Singh, Resident of
Village- Gopi Bigha (Jamuhar), P.S. Dekhri District- Rohtas.

.... Petitioner/s



Versus

1. The State of Bihar, through the Principal Secretray, 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

with

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Civil Writ Jurisdiction Case No. 18731 of 2016

=====

Dhirendra Kumar Singh, son of Late Raja Ram Singh, Resident of Village- Gopi
Bigha, P.S.- Dehri, 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- Authorized Officer, Rohtas Forest Division,
Sasaram, District- Rohtas.

.... Respondent/s

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Appearance:

(In CWJC No. 18428 of 2015)

For the Petitioner/s : Mr. Gajanan Arun

For the Respondent/s : Mr. Vijay Kr. Singh No. I, AC to SC-18

(In CWJC No. 6991 of 2016)

For the Petitioner/s : Mr. Jainendra Kumar

For the Respondent/s : Mr. Anil Kumar, A.C. to SC-8

(In CWJC No. 10772 of 2016)

For the Petitioner/s : Mr. Rajani Kant Singh

For the Respondent/s : Mr. AAG10- PUSHKAR NARAIN SHAHI

(In CWJC No. 14396 of 2016)

For the Petitioner/s : Mr. Rajani Kant Singh

For the Respondent/s : Mr. ANANT PD.SINGH-SC15

(In CWJC No. 14534 of 2016)

For the Petitioner/s : Mr. Rajani Kant Singh

For the Respondent/s : Mr. GAJENDRA PD.YADAV-SC17

(In CWJC No. 15289 of 2016)

For the Petitioner/s : Mr. Rajani Kant Singh

For the Respondent/s : Mr. ANANT PD.SINGH-SC15

(In CWJC No. 17440 of 2016)

For the Petitioner/s : Mr. Virendra Kumar Ray

For the Respondent/s : Mr. ANANT PD.SINGH-SC15

(In CWJC No. 18098 of 2016)

For the Petitioner/s : Mr. Uma Shankar Singh

For the Respondent/s : Mr. GAJENDRA PD.YADAV,SC-17

Mr. Nirbhay Prashant, A.C. to SC-17

(In CWJC No. 18315 of 2016)

For the Petitioner/s : Mr. Rajani Kant Singh
 For the Respondent/s : Mr. CHITTRANJAN SINHA- PAAG2
(In CWJC No. 18323 of 2016)

For the Petitioner/s : Mr. Rajani Kant Singh
 For the Respondent/s : Mr. RAGHWANAND,GA-11
 Mr. Ashutosh Kumar Jha, AC to GA-11
(In CWJC No. 18379 of 2016)

For the Petitioner/s : Mr. Rajani Kant Singh
 For the Respondent/s : Mr. SARVESH KR.SINGH-AAG13
(In CWJC No. 18571 of 2016)

For the Petitioner/s : Mr. Rajani Kant Singh
 For the Respondent/s : Mr. AWANISH NANDAN SINHA-GP21
 Mr. Ashok Kumar Pathak, AC to GP-21
(In CWJC No. 18731 of 2016)

For the Petitioner/s : Mr. Rajani Kant Singh
 For the Respondent/s : Mr. DHURJATI KUMAR PRASAD-GP14

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 02-12-2016

Learned counsel for the parties are present.

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

The petitioners in the writ petitions seek a direction to the Divisional Forest Office-cum-Authorized Officer, Rohtas Forest Division, Rohtas at Sasaram under the Forest Act, 1927, for provisional release of their respective vehicles pending adjudication of the confiscation proceedings. In these cases the vehicle of the petitioners stands seized on grounds of alleged violation of the provisions of the Forest Act and which has led to institution of the Forest Case which is now pending consideration in respective confiscation proceedings before the Authorized Officer who happens



to be the Divisional Forest Officer, Rohtas Forest Division, Rohtas at Sasaram.

Although learned counsel for the petitioners tried to question the alleged seizure on merits but considering that the matter is pending consideration in the respective confiscation proceedings, this Court would refrain from expressing any opinion thereon.

The contention advanced by the learned counsel for the respective petitioners in support of their prayer for provisional release of the vehicles is that keeping the vehicles under the open sky to face the vagaries of the weather would serve no purpose and would only turn them obsolete rendering them useless for any future use and which would benefit none rather it would only result in loss.

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

(1) CWJC No. 18428 of 2015:

In this case the grievance of the petitioner is that her vehicle bearing Registration No. UP-52F/7963 has been seized in Confiscation Case No.101 of 2014 arising from Forest Case No. 79 of 2014. It is submitted that the petition seeking release of the vehicle is pending disposal in the confiscation case.

(2) CWJC No. 6991 of 2016:

In this case the grievance of the petitioner is that his vehicle bearing Registration No. WB-23A/5652 has been seized in Confiscation Case No.76 of 2016 arising from Forest Case No. 31 of 2016. It is also submitted that a release petition filed on 05.04.2016 seeking provisional release of the vehicle is



pending disposal in the confiscation case.

(3) CWJC No. 10772 of 2016:

In this case the grievance of the petitioner is that his vehicle bearing Registration No. JH09D/5158 has been seized in Confiscation Case No.123 of 2016 arising from Sanjhauli P.S. Case No. 66 of 2015. It is also submitted that a release petition filed on 16.06.2016 seeking provisional release of the vehicle is pending disposal in the confiscation case.

(4) CWJC No. 14396 of 2016:

In this case the grievance of the petitioner is that his two vehicles bearing Registration No. BR45G/5130 and Registration No. BR24GA/0349 have been seized in Confiscation Case No.167 of 2016 arising from Sheosagar (Baddi) P.S. Case No. 248 of 2015. It is also submitted that a release petition filed on 30.07.2016 seeking provisional release of the vehicles is pending disposal in the confiscation case.

(5) CWJC No. 14534 of 2016:

In this case the grievance of the petitioner is that his vehicle bearing Registration No. OR-19P/0445 has been seized in Confiscation Case No.166 of 2016 arising from Dehri(T) P.S. Case No. 274 of 2016. It is also submitted that a release petition filed on 13.08.2016 seeking provisional release of the vehicle is pending disposal in the confiscation case.

(6) CWJC No. 15289 of 2016:

In this case the grievance of the petitioner is that his vehicle bearing Registration No. JH-02P-0941 has been seized in Confiscation Case No. 48 of 2016 arising from Forest Case No. 16 of 2016. It is also submitted that a release petition filed on 09.03.2016 seeking provisional release of the vehicle is pending disposal in the confiscation case.

(7) CWJC No. 17440 of 2016:



In this case the grievance of the petitioner is that his vehicle bearing Registration No. BR01GB 9778 has been seized in Confiscation Case No. 23 of 2016 arising from Dehri Town P.S. Case No. 45 of 2016. It is also submitted that a show cause filed on 13.02.2016 in the confiscation case.

(8) CWJC No. 18098 of 2016:

In this case the grievance of the petitioner is that his vehicle bearing Registration No. BR24G/0883 has been seized in Confiscation Case No. 54 of 2016 arising from Forest Case No. 20 of 2016. It is also submitted that a release petition filed on 21.10.2016 seeking provisional release of the vehicle is pending disposal in the confiscation case.

(9) CWJC No. 18315 of 2016:

In this case the grievance of the petitioner is that his vehicle bearing Registration No. BR24G/1347 has been seized in Confiscation Case No. 178 of 2016 arising from Forest Case No. 69 of 2016. It is also submitted that a release petition filed on 03.11.2016 seeking provisional release of the vehicle is pending disposal in the confiscation case.

(10) CWJC No. 18323 of 2016:

In this case the grievance of the petitioner is that his vehicle bearing Registration No. UP65AR/4179 has been seized in Confiscation Case No. 186 of 2016 arising from Forest Case No. 86 of 2016. It is also submitted that a release petition filed on 05.11.2016 seeking provisional release of the vehicle is pending disposal in the confiscation case.

(11) CWJC No. 18379 of 2016:

In this case the grievance of the petitioner is that his vehicle bearing Registration No. BR 24G/1694 has been seized in Confiscation Case No. 187 of 2016 arising from Forest Case No. 87 of 2016. It is also submitted that a release petition filed on



05.11.2016 seeking provisional release of the vehicle is pending disposal in the confiscation case.

(12) CWJC No. 18571 of 2016:

In this case the grievance of the petitioner is that his Tractor bearing Registration No. BR 24J/0478 with Trailor bearing Registration No. BR-24G/2006 and Tractor bearing Registration No. BR 24B/7680 have been seized in Confiscation Case No. 215 of 2016 arising from Forest Case No. 123 of 2016. It is also submitted that a release petition filed on 10.11.2016 seeking provisional release of the vehicles are pending disposal in the confiscation case.

(13) CWJC No. 18731 of 2016:

In this case the grievance of the petitioner is that his Tractor bearing Registration No. BR24H/8865 with Trailor bearing Registration No. BR24G/1759 and Tractor bearing Registration No. BR24H/3761 with Trailor bearing Registration No. BR24G/1374 have been seized in Confiscation Case No.215 of 2016 arising from Forest Case No. 123 of 2016. It is also submitted that a release petition filed on 10.11.2016 seeking provisional release of the vehicles are 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 and 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)

S.Sb/-

AFR/NAFR	
CAV DATE	
Uploading Date	20.12.2016
Transmission Date	

