

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.653 of 2017

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Devmuni Ram, S/o Uma Shankar Ram, R/o Village- Dumariya, P.S.-
Akorigola, District- Rohtas.

.... Petitioner

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 Area at Sasaram.
7. The Forestor Tilauthu cum Darigaon, Forest Circle District- Rohtas.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Uma Shankar Singh

For the Respondent/s : Mr. Anant Pd.Singh-Sc15

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL ORDER

2 10-02-2017 Perused the office note.

In the nature of the order which this Court proposes to
pass, the defects are ignored.

Learned counsel for the petitioner and the learned counsel
for the State are present and have been heard in this case.

In this case the vehicle of the petitioner has been seized on
alleged charge of transportation of illegally mined forest produce.
Following the seizure, confiscation case has been registered
against the petitioner under the provisions of the Indian Forest
Act, 1927 and is stated to be pending before the Authorized
Officer cum Divisional Forest Officer, Rohtas at Sasaram.

The grievance of the petitioner in this writ petition is, that



while the confiscation proceeding drawn against him has remained pending with the Authorized Officer cum Divisional Forest Officer, the vehicle so seized in the proceeding is facing vagaries of the weather and is liable to turn obsolete. The prayer of the petitioner in this writ petition is for appropriate direction to the Authorized Officer cum Divisional Forest Officer, Rohtas at Sasaram to consider the prayer of the petitioner for provisional release of his seized vehicle pending disposal of the confiscation proceeding.

Having heard the learned counsel for the parties and considering the nature of relief prayed in the present writ petition, I deem it fit and proper to dispose of this writ petition with a direction to the Authorized Officer cum Divisional Forest Officer, Rohtas at Sasaram to consider the grievance of the petitioner herein and take appropriate steps to finally dispose of the confiscation proceeding drawn against him in accordance with law and after opportunity of hearing to the petitioner, expeditiously and preferably within a period of three months from the date of receipt/ production of a copy of this order. In case the Authorized Officer cum Divisional Forest Officer, Rohtas at Sasaram is not able to dispose of the confiscation proceeding within the period stipulated, for reasons not attributable to the petitioner, then he



shall consider his application for provisional release of his vehicle in question, which is subject matter of the confiscation proceeding and dispose of the same within a maximum period of four weeks thereafter bearing in mind the law laid down by the Apex Court as well as this Court in connection with provisional release of seized vehicle.

With the aforementioned observation and direction, this writ application is disposed of.

(Jyoti Saran, J)

Surendra/-

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