

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.735 of 2017

Arising Out of PS.Case No. -null Year- null Thana -null District- SASARAM (ROHTAS)

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Sanjay Prasad son of Sri Keshaw Prasad

.... Petitioner/s

Versus

The State of Bihar Through The Principal Secretary, Forest Department,
Government of Bihar, Patna & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajani Kant Singh, Advocate

For the Respondent/s : Mr. Raghwanand, GA-11

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 26-07-2017

The petitioner has invoked the writ jurisdiction of this Court for provisional release of the Truck bearing registration No.BR 1GA/1750, which was seized in connection with Forest Case No.44 of 2017. Subsequently, the confiscation proceeding was initiated vide Confiscation Case No.114 of 2017, pending before the Divisional Forest Officer, Sasaram in the district of Rohtas. The petitioner has already filed a petition on 24.05.2017 for interim release of the same before the authority who has not passed any order as yet on that petition.

Submission of the learned counsel for the petitioner is that the power of the authority concerned to confiscate the vehicle is subjudice before a larger Bench of this Court in **LPA No.1647 of**



2015 Baleshwar Roy V. The State of Bihar & Ors. Hence, no purpose would be served by continued detention of the truck, which is likely to be rotten in police lockup.

By order dated 29.06.2016 this Court had allowed three weeks time to the State-respondent to file counter affidavit. However, no counter affidavit has been filed and prayer is for further one week time, which is refused considering the nature of urgency of the matter.

Finding substance in the submission aforesaid as well as considering the fact that different Division Benches of this Court have ordered interim release of the vehicle in other cases in the similar circumstances, let the truck, in question, be released in favour of the petitioner by way of ad interim custody on execution of surety bond of Rs.20,00,000/- (Twenty Lacs) not in the form of cash/Bank Guarantee along with two sureties of the like amount with condition that the petitioner would not dispose of the said vehicle without permission of the authority concerned or till disposal of the Forest Case aforesaid whichever is earlier and shall produce as and when required by the Court. Further proceeding of Confiscation Case No.114 of 2017, arising out of Forest Case No.44 of 2017, pending before the Divisional Forest Officer, Sasaram in the district of Rohtas, shall remain stayed till disposal of the L.P.A aforesaid and shall be subject to the result of the pending L.P.A.



With the aforesaid observation, this writ application stands disposed of.

Mkr./-

(Birendra Kumar, J)

AFR/NAFR	NAFR
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