

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1560 of 2017

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

- =====
1. Dharmendra Kumar son of Surendra Singh, Resident of Village- Muzaffarpur, Police Station- Sahar, District- Bhojpur.

.... 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 Sasaram Range, Rohtas.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Tiwary, Advocate

For the Respondent/s : Mr. Gajendra Prasad Yadav, SC-17

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 15-09-2017

Heard learned counsel for the parties.

2. The petitioner has invoked the writ jurisdiction of this Court for release of the Truck bearing registration No.BR-3G-9095, which was seized in connection with Forest Case No.73 of 2017.

3. 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.

4. Learned counsel for the State-respondent opposed the



prayer for release of the vehicle.

5. Finding substance in the submission of the petitioner 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 each to the satisfaction of the concerned authority 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.194 of 2017 shall remain stayed till disposal of the L.P.A. aforesaid. This order shall be subject to the result of the L.P.A. aforesaid.

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

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.09.2017
Transmission Date	21.09.2017

