

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1880 of 2017

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

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Kameshwar Singh, Son of Kedar Singh, Resident of Village-Gopi Bigha, P.O.-
Karwandiya, P.S.-Dehri, District-Rohtas.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Forest and Environment, Bihar, Patna.
2. The District Magistrate, Rohtas at Sasaram.
3. The Divisional Forest Officer-cum-Authorized Officer, Rohtas Forest Division, Sasaram, District-Rohtas.
4. The Forester, Tilauthu Forest Region, Sasaram, District-Rohtas.

.... Respondents

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 16-10-2017

Heard learned counsel for the parties.

2. The Tractor along with Trailor of the petitioner bearing registration No.BR-24H/2501 and registration No.BR-24G/1321 respectively were seized in connection with Forest Case No.51 of 2015 vide Annexure-5. During pendency of the trial the said vehicle was confiscated by the impugned order dated 07.02.2017 passed in Confiscation Case No.106 of 2015 by the Divisional Forest Officer, Rohtas, Sasaram.

3. Submission of the learned counsel for the petitioner is that pre-trial confiscation amounts to pre-trial punishment and the authority of the executive to confiscate the vehicle which power is



exercisable by a judicial authority is under challenge in **LPA No.1647 of 2015 Baleshwar Roy V. The State of Bihar & Ors.** In the circumstances, operation of the impugned order be stayed and the vehicle be released in favour of the petitioner on execution of appropriate surety bond.

4. After hearing the parties and the finding substance in the submission aforesaid, let the impugned order be stayed till disposal of the LPA aforesaid. By way of ad interim measure the vehicle be released in favour of the petitioner on execution of the bank guarantee of Rs.2,00,000/- (Two Lacs) for tractor as well as for trialor to the satisfaction of the Divisional Forest Officer-cum-Authorized Officer, Rohtas Forest Division, Sasaram.

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

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.10.2017
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