

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1187 of 2017

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1. Shambhu Singh Son of Late Sona Singh Resident of Village - Ramdiri,
Police Station - Matihani, District – Begusarai Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Forest Department
Govt. of Bihar
2. The District Magistrate, Lakhisarai
3. The Divisional Forest Officer, Munger Division, Munger
4. The Forest Officer-in-Charge, Singhaul Jalappasthan, Police Station -
Channan, District - Lakhisarai Respondents

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Appearance :

For the Petitioner : Mr. Dharmendra Kumar Raju, Adv.
For the Respondents : Mr. Gajendra Pd. Singh, SC XVII

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 30-08-2017

Heard the parties.

The tractor and trailer of the petitioner, bearing registration no. BR 9E 7216 and BR 9E 7217 respectively, were seized in connection with Chanan P.S. Case No. 55 of 2016 registered for alleged theft of the forest materials as the vehicle was carrying log of mahua wood. Subsequently, confiscation proceeding has also been initiated.

Learned counsel for the petitioner prays for interim release of the said tractor and trailer on the ground that the power of the Executive Authority to confiscate the seized vehicle which is exercisable by a Judicial Authority is subjudice before a larger Bench of this Court in **L.P.A. No. 1647 of 2015 (Baleshwar Roy Vrs. The State of Bihar & Ors.)**. He, further, submits that no purpose is going to be served by continued detention of the vehicle in custody.

Considering the aforesaid pendency of issue before the larger Bench, let the aforesaid tractor and trailer be released in favour of the petitioner by way of interim custody on execution of



surety bond of Rs. 3,00,000/- (rupees three lakh) (not in the form of bank guarantee or cash) along with two sureties of the like amount.

The operation of confiscation proceeding shall remain stayed and shall be subject to the decision of Letters Patent Appeal aforesaid.

The petitioner shall file undertaking that he will not use the vehicle for any illegal purpose at the time of furnishing of the bond and will not dispose of the aforesaid vehicle without the permission of the Court.

Accordingly, this writ application stands **disposed off**.

(Birendra Kumar, J)

SA/-

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