

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1816 of 2017

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

- =====
1. Amit Kumar Son of Sri Nand Kishore Singh Resident of Mohalla - Gandhi Nagar, Company Sarai, Sasaram, P.S. - Sasaram (T), District - Rohtas.

.... Petitioner/s

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-Authorised Officer, Rohtas Forest Division, Sasaram, District - Rohtas.
4. The Forest Range Officer, Darigaon Forest Area, Sasaram Forest Division, District - Rohtas.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajani Kant Singh, Advocate
For the Respondent/s : Mr. Sarvesh Kumar Singh, AAG-13

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 13-10-2017

Heard learned counsel for the parties.

2. This writ application has been preferred for quashing the order dated 15.12.2016 passed by Divisional Forest Officer-cum-Authorized Officer, Rohtas Forest Division, Sasaram (respondent No.3) in Confiscation Case No.77 of 2016, arising out of Forest Case No.31 of 2016 whereby the truck of the petitioner bearing registration No.UP-67T/1257 was confiscated. The said truck was seized in connection with Forest Case No.31 of 2016.

3. Submission of the learned counsel for the petitioner is that pre-trial confiscation is bad-in-law and the said issue is under consideration before a larger Bench of this Court in **LPA No.1647 of**



2015 Baleshwar Roy V. The State of Bihar & Ors. Hence, till adjudication of the aforesaid issue interim custody of the truck be handed over in favour of the petitioner as no purpose is going to be served by continued detention of the vehicle in police lockup.

4. Finding substance in the submission aforesaid, 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 Divisional Forest Officer-cum-Authorized Officer, Rohtas Forest Division, Sasaram, with condition that the petitioner would not dispose of the said vehicle or put the same under encumbrance without permission of the authority concerned and shall produce as and when required by the Court. The release shall be subject to the result of the L.P.A. aforesaid.

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

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.10.2017
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