

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1401 of 2017

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Santosh Kumar Singh Son of Sri Raj Nath Singh resident of Village - Suara,
Post Office - Pahleza, Police Station - Dehri, District - Rohtas.

... .. Appellant/s

Versus

1. The State of Bihar through Principal Secretary, Forest Department,
Government of Bihar, Patna.
2. The Chief Conservator of Forest, Bihar, Patna.
3. The District Magistrate, Rohtas, Sasaram.
4. The Authorized Officer cum Divisional Forest Officer, Rohtas, Sasaram.
5. The District Forest Officer, Rohtas, Sasaram.
6. The Range Officer, Sasaram Forest Area at Sasaram.
7. The Forestor Tilauthu Cum Darigaon, Forest Circle, District - Rohtas.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Sunil Kumar singh, Adv.
For the Respondent/s	:	Mr. Sarvesh Kumar Singh -AAG 13 Mr. Tej Pratap Singh, AC to AAG 13

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 08-11-2017

Having heard learned counsel for the appellant, we find that in the matter of confiscation of the vehicle in question which was found to be carrying material seized under illegal mining, the learned Writ Court has refused to release the vehicle on the ground that order of confiscation is pending consideration before the Appellate Authority and the appeal is yet to be decided. A direction has been issued for early disposal of the appeal.



We do not see any error in deciding the issue by issuing a direction to the Appellate Authority to decide the appeal expeditiously in accordance with law. Even though during the course of hearing of the matter learned counsel appearing for the appellant invites our attention to certain orders passed permitting release of vehicles even after confiscation orders were passed, but they are cases under the Bihar Excise (Amendment) Act, 2016, but in a case of illegal mining, we see no reason to follow the aforesaid judgment.

Accordingly, finding no indulgence to be made in the matter, the appeal is dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

K.C.Jha/-

AFR/NAFR	NAFR
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