IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.2043 of 2017

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Ravindra Kumar S/o Kameshwar Singh, R/o Village- Amari, P.O.- Karwandiya, P.S.- Sasaram (M), District- Rohtas.

.... Petitioner

Versus

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

.... Respondents

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Appearance :
For the Petitioner/s : Mr. Sanjay Kumar Tiwary, Adv.
For the Respondent/s : Mr. Dr. Kamal Deo Sharma, A.C. to G.A.11.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT
Date: 08-11-2017

Heard learned counsel for the parties.

2. This writ application has been preferred for release of the tractor and trailer bearing registration No.BR-24H-7101 and BR-24G-1740 in connection with Forest Case No.90 of 2017.

3. Submission of the learned counsel for the petitioner is that pre-trial confiscation would be prejudicial to the right of the petitioner unless the charges are proved against the petitioner; the vehicle cannot be confiscated by the authorities.

4. Finding substance in the aforesaid submission as well as the fact that no purpose would be served by continued detention of the seized vehicle in police lockup, let the vehicle, in question, be

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released in favour of the petitioner by way of ad interim custody on execution of **bank guarantee of Rs.2,50,000/- (Two Lacs and Fifty thousand)** to the satisfaction of the learned Court-below/authority concerned, where the case is pending, 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 pending **LPA No.1647 of 2015 Baleshwar Roy V. The State of Bihar & Ors.**

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

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.11.2017
Transmission Date	11.11.2017

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