

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.54362 of 2013

Arising Out of PS.Case No. -63 Year- 2013 Thana -GOVERNMENT OFFICIAL COMP. District-
SASARAM (ROHTAS)

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Mohammad Azad, S/O Late Md. Siraz, Resident of Village- Badisarimpur, P.S.
Industrial Area, Buxar, District- Buxar.

.... Petitioner.

Versus

The State of Bihar

.... Opposite Party.

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Appearance :

For the Petitioner : Mr.

For the State : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL JUDGMENT

Date: 18-07-2017

Heard.

2. This application, under Section 482 of the Code of Criminal Procedure, has been filed for quashing the order passed by the Sub-Divisional Forest Officer, Rohtas at Sasaram for initiation of confiscation proceeding of Confiscation Case No.112 of 2013, arising out of Forest Case No.63 of 2013, registered under Sections 33, 41 and 42 of the Indian Forest Act.

3. Learned counsel appearing on behalf of the petitioner submits that it would appear from the F.I.R. and the seizure list that the truck loaded with stone chips was seized at the turning of S.P. Jain College, Sasaram, which is not prohibited forest area, as such, the



order of initiation of confiscation proceeding in the aforesaid case is bad in law. Further submission is that the case was instituted by the Forester, who is not competent under Rule 5 of the Bihar Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2003, to seize the loaded truck and lodge the case.

4. On going through the order of the Sub-Divisional Forest Officer, Rohtas at Sasaram, passed in Confiscation Case No.112 of 2013, arising out of Forest Case No.63 of 2013, to initiate the confiscation proceeding in respect of the seized truck loaded with stone chips, I find no reason to quash the confiscation proceeding in the aforesaid case.

5. Accordingly, this application stands dismissed. However, the petitioner would be at liberty to raise his points, as raised herein, in the proceeding of the aforesaid Confiscation Case at the appropriate stage.

(Rajendra Kumar Mishra, J)

P.S./-

AFR/NAFR	NAFR
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