

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20339 of 2016

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Satyanarayan Sah, son of Bhagwan Sah, resident of Village- Bishrampur
(Tola), P.S.- Sasaram, District- Rohtas.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Forest, Government of Bihar, Patna.
2. The District Magistrate, Rohtas.
3. The Divisional Forest Officer, Rohtas at Sasaram.
4. The Officer-in-Charge, Nokha Police Station, Rohtas, District- Rohtas.
5. The Forest Inspector (Forester), Tilauthu, District- Rohtas.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Siddharth Harsh, Adv.

For the Respondent/s : Mr. Sanjay Kumar, AC to SC-15

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL ORDER

2 01-12-2017 Heard Mr. Siddharth Harsh, learned counsel for the

petitioner and Mr. Sanjay Kumar, learned AC to SC-15, for the

State.

The petitioner has prayed for release of his vehicle bearing registration No. JH-02M-0307 which has been seized by the authorities of the Forest Department, inter alia, on a charge of transporting illegally stone chips. The seizure led to institution of a police case arising from Nokha P.S. Case No. 180/2016 registered under sections 279 and 304A of the Indian Penal Code and alongside the Forest Department also registered Forest Case no. 84/2016 for the stone chips loaded on the truck. The petitioner complaining illegal seizure has come before this Court but when this matter is taken up while Mr. Sanjay Kumar, learned AC to SC-15, files a counter affidavit to place on record the reasons for



seizure by the Forest Department, Mr. Harsh also admits that in the meanwhile a confiscation case has been registered giving rise to Confiscation Case No. 256/2016 which is pending before the respondent no.3, Divisional Forest Officer, who is the authorized Officer under the Indian Forest Act,1927 for adjudication thereon.

Having heard learned counsel for the parties and considering that the matter is pending before the Divisional Forest Officer cum Authorized Officer in Confiscation Case No. 256/2016, I for the present while giving liberty to the petitioner to file an application before the Divisional Forest Officer, Rohtas cum Authorized Officer for provisional release of the vehicle, would direct the said statutory authority to consider and dispose of the confiscation case in accordance with law and after due opportunity of hearing to the petitioner within a period of three months from the date of receipt/ production of a copy of this order and if for any reason not attributable to the petitioner the confiscation case cannot be disposed of, he should consider the application of the petitioner for provisional release of his vehicle and dispose of the same within four weeks of expiry of the stipulated period in accordance with law.

This disposes of the writ petition.

(Jyoti Saran, J)

Surendra/-

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