

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No. 1250 of 2017

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Santosh Kumar Verma @ Santosh Kumar, Son of Narayan Prasad,
Resident of Village - Bela Ramnagar, P.S. - Ramnagar, District - West
Champaran.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Environment and Forest Department, Government of Bihar, Patna
2. The Authorized Officer-cum-Forest Division officer-cum-Deputy Director, Valmiki Forest Reserve, Division- 1, Bettiah

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar

For the Respondent/s : Mr. Anant Pd. Singh (Sc-15)

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 06-09-2017

Heard learned counsels for the parties.

The petitioner has invoked the writ jurisdiction of this Court for quashing the order dated 19.11.2016 passed in Confiscation Case No. 03 of 2016 vide Annexure-3 whereby the tractor and trailer of the petitioner bearing registration no. BR-22Q-7401 along with trailer which were seized in connection with the violation of the Forest Laws.

Learned counsel for the petitioner prays for interim release of the said tractor along with trailer on the ground that the power of the Executive Authority to confiscate the seized vehicle which is exercisable by a Judicial Authority is sub judice before a Larger Bench in L.P.A. No. 1647 of 2015 (**Baleshwar Roy vs. The State of Bihar & Ors.**). He further submits that no purpose is



going to be served by continued detention of the vehicle in police custody.

Considering the aforesaid pendency of the issue before the Larger Bench, let the aforesaid tractor along with trailer be released in favour of the petitioner by way of ad interim custody on execution of surety bond of Rs.7,00,000/- (rupees seven lakhs) (not in the form of bank guarantee or cash) along with two sureties of the like amount. The petitioner shall file undertaking that he will not use the vehicle for any illegal purpose at the time of furnishing of the bail bond. The petitioner shall not dispose of the said vehicle without permission of the Court.

This interim release shall be subject to the result of the pending L.P.A.

Accordingly, this application stands disposed of.

(Birendra Kumar, J)

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