

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.20432 of 2016

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1. Sarvesh Kumar Ray S/o- Ram Nath Ray R/o Village- Kauwadih, P.S.- Karghar,
District- Rohtas.

.... Petitioner/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 Forest Tilauthu Cum Darigaon , Forest Circle District- Rohtas.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 81 of 2017

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1. Ritesh Giri Son of Late Prabhunath Giri Resident of Village-Dhaudarh, P.S.
Sasaram (M), District-Rohtas

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Forest Department,
Government of Bihar, Patna
2. The District Magistrate, Rohtas at Sasaram.
3. The Divisional Forest Officer-cum-Authorized Officer, Rohtas Forest Division,
Sasaram, District - Rohtas.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 156 of 2017

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1. Jokhan Singh, son of Late Bhikham Singh, Resident of Village- Sita Bigha, P.S.-
Sasaram (M), District- Rohtas. at present resident of Raja Bandh, Parao, Varanasi
(U.P.)

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Forest Department,
Government of Bihar, Patna.
2. The District Magistrate, Rohtas at Sasaram.
3. The Divisional Forest Officer-cum-Authorised Officer, Rohtas Forest Division,
Sasaram, District- Rohtas.



.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 172 of 2017

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1. Ram Prakash Singh, Son of Ram Nath Singh, Resident of Ward No. 23, Bhabhua, P.S.- Bhabhua (T), District- Kaimur.

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Forest Department, Government of Bihar, Patna.
2. The District Magistrate, Rohtas at Sasaram.
3. The Divisional Forest Officer-cum-Authorized officer, Rohtas Forest Division- Sasaram, District- Rohtas.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 194 of 2017

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1. Arun Kumar Singh Son of Satyendra Singh Resident of Village- Subha Bigha, Rudrapura, P.S.- Dehri, District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar , through the Principal Secretary, Forest Department, Government of Bihar, Patna.
2. The District Magistrate, Rohtas at Sasaram.
3. The Divisional Forest Officer-cum-authorised Officer, Rohtas, Forest Division, Rohtas at Sasaram.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 200 of 2017

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1. Ram Prakash Singh Son of Ram Nath Singh Resident of ward no. 23 Bhabhua, P.S.- Bhabhua (T) District- Kaimur. At Present Resident of Village- Guniya, P.S.- Chainpur, District- Kaimur.

.... Petitioner/s

Versus

1. The State of Bihar , through the Principal Secretary , Forest Department , Government of Bihar, Patna.
2. The District Magistrate, Rohtas at Sasaram.
3. The Divisional Forest Officer-cum-authorised Officer, Rohtas, Forest Division, Rohtas at Sasaram.



.... Respondent/s

with

Civil Writ Jurisdiction Case No. 310 of 2017

1. Rajesh Kumar Singh S/o - Kedar Nath Singh R/o Mohalla - Chatria Nagar, Aurangabad, P.S. - Aurangabad, District - Aurangabad.

.... Petitioner/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

with

Civil Writ Jurisdiction Case No. 323 of 2017

1. Kamlesh Ray, S/o Jokhan Ray, R/o village - Takiya Bazar, P.S. Sasaram, District - Rohtas

.... Petitioner/s

Versus

1. The State of Bihar through 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

with

Civil Writ Jurisdiction Case No. 327 of 2017

1. Uday Narayan Singh, S/o Ramadhar Singh, R/o village - Suba Bigha, Dehri, P.S. Dehri, District - Rohtas

.... Petitioner/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

with

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Civil Writ Jurisdiction Case No. 344 of 2017

=====

Anil Kumar, son of Suresh Sah, R/o- village-Admapur, Sasaram, P.S. Sasaram,
District Rohtas

.... Petitioner/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 Darogaon, Forest Circle, District- Rohtas.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 352 of 2017

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1. Anil Kumar, S/o Suresh Sah, R/o Village- Admapur, Sasaram, P.S.- Sasaram,
District- Rohtas.

.... Petitioner/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 Darogaon, Forest Circle, District- Rohtas.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 356 of 2017

=====



1. Sonu Kumar Singh, S/o Krishna Singh, R/o Village- Kanchanpur, P.S.- Sasaram,
District- Rohtas.

.... Petitioner/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. null null
7. The Forester Tilauthu cum Darigaon, Forest Circle District- Rohtas.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 404 of 2017

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1. Anil Kumar S/o Chandradev Singh R/o Mohalla - New Gangauli, P.S. - Dalmiya
Nagar, District - Rohtas.

.... Petitioner/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 Ara at Sasaram.
7. The Forester Tilauthu Cum Darigaon, Forest Circle District - Rohtas.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 441 of 2017

=====

1. Krishna Kumar Chaudhary @ Krishna Chaudhary, Son of Shambhu Nath
Chaudhary, resident of Village- Karwandiya, Chandini Chawk, Police Station-
Sasaram (M), District- Rohtas.

.... Petitioner/s

Versus

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



.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 449 of 2017

=====

1. Shiv Jee Kumar, son of Dasai Yadav, resident of Village- Gadaha Patar, P.O. and P.S.- Udwant Nagar, District- Bhojpur.

.... Petitioner/s

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 Tilauthu, Rohtas.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 516 of 2017

=====

1. Ravindra Kumar Singh, S/o Lalan Singh, R/o village - Jamuhar, P.S. Dehri, District - Rohtas

.... Petitioner/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 Forester Tilauthu Cum Darigaon, Forest Circle District Rohtas

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 524 of 2017

=====

1. Anil Kumar Singh, Son of Late Surya Keshwar Singh, Resident of Mohalla - Gouratrani (Gaurakshni), Sasaram, P.S. Sasaram (M), District - Rohtas

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Forest Department, Government of Bihar, Patna
2. The District Magistrate, Rohtas at Sasaram
3. The Divisional Forest Officer - Cum - Authorized Officer, Rohtas Forest



Division, Sasaram, District Rohtas

..... Respondent/s
with

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Civil Writ Jurisdiction Case No. 535 of 2017

=====

1. Anil Kumar Gupta, son of Manik Chand Gupta, Resident of Village - Baijala, P.S. - Sasaram (M), District - Rohtas and resident of Mohalla - Abhiyanta Nagar, Banker Colony, Danapur, P.S. - Danapur, District - Patna. At present Dumra, Sitamarhi.

..... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Forest Department, Government of Bihar, Patna.
2. The District Magistrate, Rohtas at Sasaram.
3. The Divisional Forest Officer-cum-Authorized Officer, Rohtas Forest Division Sasaram, District - Rohtas.

..... Respondent/s
with

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Civil Writ Jurisdiction Case No. 536 of 2017

=====

1. Deepak Kumar, son of Bindu Singh, Resident of Village - Beda, P.S. - Sasaram, District - Rohtas. At present Resident of Dumari, Punpun, District - Patna.

..... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Forest Department, Government of Bihar, Patna.
2. The District Magistrate, Rohtas at Sasaram.
3. The Divisional Forest Officer-cum-Authorized Officer, Rohtas Forest Division Sasaram, District - Rohtas.

..... Respondent/s
with

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Civil Writ Jurisdiction Case No. 549 of 2017

=====

1. Shravan Kumar Pandey, S/o Late Shiv Pujan Pandey, R/o Village- Chotkamor, P.S.- Sasaram (M), District- Rohtas.

..... Petitioner/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

with

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Civil Writ Jurisdiction Case No. 587 of 2017

=====

1. Rajesh Kumar Singh Son of Late Surya Keshwar Singh Resident of Mohalla- MahavirAsthana, Kuraich Sasaram, P.S.-Sasaram (Model), Di Strict-Rohtas

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Forest department, Government of Bihar, Patna
2. The District Magistrate, Rohtas at Sasaram
3. The Divisional Forest Officer-cum-Authorized Officer, Rohtas Forest Division, Sasaram, District - Rohtas.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 624 of 2017

=====

1. Rajesh Kumar Singh, S/o Kedar Nath Singh, R/o Mohalla - Chhatriya Nagar, Aurangabad, P.S. Aurangabad, District - Aurangabad

.... Petitioner/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

with

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Civil Writ Jurisdiction Case No. 741 of 2017

=====

1. Kamlesh Kumar Yadav, S/o Ramdhani Yadav, R/o Mohalla - Shakchi, Jamshedpur, P.S. - Shakchi, District - Singhbhum. Through:- Power of Attorney Holder:- Suresh Yadav, S/o Ram Raj, R/o Mohalla - Noorganj, Sasaram, P.S. -



Sasaram, District - Rohtas.

.... Petitioner/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.

.... Respondent/s

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Appearance :

(In CWJC No. 20432 of 2016)

For the Petitioner/s : Mr. Uma Shankar Singh, Adv.

For the Respondent/s : Mr. Raghwanand-GA11

(In CWJC No. 81 of 2017)

For the Petitioner/s : Mr. Rajani Kant Singh, Adv.

For the Respondent/s : Mr. Chitranjan Sinha(PAAG2)

(In CWJC No. 156 of 2017)

For the Petitioner/s : Mr. Rajani Kant Singh, Adv.

For the Respondent/s : Mr. Dhurjati Kr. Prasad- GP14

(In CWJC No. 172 of 2017)

For the Petitioner/s : Mr. Rajani Kant Singh, Adv.

For the Respondent/s : Mr. Chitranjan Sinha- PAAG2

(In CWJC No. 194 of 2017)

For the Petitioner/s : Mr. Rajani Kant Singh, Adv.

For the Respondent/s : Mr. Anant Pd.Singh-SC15

(In CWJC No. 200 of 2017)

For the Petitioner/s : Mr. Rajani Kant Singh, Adv.

For the Respondent/s : Mr. Gajendra Pd.Yadav-SC17

(In CWJC No. 310 of 2017)

For the Petitioner/s : Mr. Uma Shankar Singh, Adv.

For the Respondent/s : Mr. Chitranjan Sinha(PAAG2)

(In CWJC No. 323 of 2017)

For the Petitioner/s : Mr. Uma Shankar Singh, Adv.

For the Respondent/s : Mr. Sarvesh Kr. Singh- AAG13

(In CWJC No. 327 of 2017)

For the Petitioner/s : Mr. Uma Shankar Singh, Adv.

For the Respondent/s : Mr. Awanish Nandan Sinha-GP21

(In CWJC No. 344 of 2017)

For the Petitioner/s : Mr. Uma Shankar Singh, Adv.

For the Respondent/s : Mr. Gajendra Pd.Yadav-SC17

(In CWJC No. 352 of 2017)

For the Petitioner/s : Mr. Uma Shankar Singh, Adv.

For the Respondent/s : Mr. Raghwanand-GA11

(In CWJC No. 356 of 2017)

For the Petitioner/s : Mr. Uma Shankar Singh, Adv.

For the Respondent/s : Mr. Dhurjati Kr. Prasad- GP14

(In CWJC No. 404 of 2017)



For the Petitioner/s : Mr. Uma Shankar Singh, Adv.
For the Respondent/s : Mr. Awanish Nandan Sinha -GP21
(In CWJC No. 441 of 2017)
For the Petitioner/s : Mr. Sanjay Kumar Tiwary, Adv.
For the Respondent/s : Mr. Sarvesh Kr. Singh- AAG13
(In CWJC No. 449 of 2017)
For the Petitioner/s : Mr. Sanjay Kumar Tiwary, Adv.
For the Respondent/s : Mr. Chitranjan Sinha- PAAG2
(In CWJC No. 516 of 2017)
For the Petitioner/s : Mr. Uma Shankar Singh, Adv.
For the Respondent/s : Mr. Awanish Nandan Sinha -GP21
(In CWJC No. 524 of 2017)
For the Petitioner/s : Mr. Rajani Kant Singh, Adv.
For the Respondent/s : Mr. Raghwanand- GA11
(In CWJC No. 535 of 2017)
For the Petitioner/s : Mr. Rajani Kant Singh, Adv.
For the Respondent/s : Mr. Chittranjan Sinha- PAAG2
(In CWJC No. 536 of 2017)
For the Petitioner/s : Mr. Rajani Kant Singh, Adv.
For the Respondent/s : Mr. Sarvesh Kr.Singh-AAG13
(In CWJC No. 549 of 2017)
For the Petitioner/s : Mr. Uma Shankar Singh, Adv.
For the Respondent/s : Mr. Dhurjati Kumar Prasad-GP14
(In CWJC No. 587 of 2017)
For the Petitioner/s : Mr. Rajani Kant Singh, Adv.
For the Respondent/s : Mr. Awanish Nandan Sinha -GP21
(In CWJC No. 624 of 2017)
For the Petitioner/s : Mr. Uma Shankar Singh, Adv.
For the Respondent/s : Mr. Anant Pd.Singh-SC15
(In CWJC No. 741 of 2017)
For the Petitioner/s : Mr. Uma Shankar Singh, Adv.
For the Respondent/s : Mr. Raghwanand-GA11

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL JUDGMENT
Date: 20-01-2017

Learned counsel for the petitioners and the learned counsel for the State are present and have been heard in these cases.

In each of these cases the vehicles of the petitioners have been seized on alleged charge of transportation of illegally mined forest produce. Following the seizure, confiscation case has been registered against the petitioner(s) under the provisions of the Indian Forest Act



1927 and is stated to be pending before the Authorized Officer-cum-Divisional Forest Office, Rohtas at Sasaram.

The grievance of the petitioners in these writ petitions is, that while the confiscation proceeding drawn against them has remained pending with the Authorized Officer- cum- Divisional Forest Officer, the vehicles so seized in the proceeding are facing vagaries of the weather and is liable to turn obsolete. The prayer of the petitioners in these writ petitions is for appropriate direction to the Authorized Officer- cum- Divisional Forest Officer, Rohtas at Sasaram to consider the prayer of the petitioners for provisional release of their seized vehicles pending disposal of the confiscation proceeding.

Having heard the learned counsel for the parties and considering the nature of relief prayed in the present writ petitions, I deem it fit and proper to dispose of these writ petitions with a direction to the Authorized Officer- cum- Divisional Forest Officer, Rohtas at Sasaram to consider the grievance of the petitioners herein and take appropriate steps to finally dispose of the confiscation proceeding drawn against them in accordance with law and after opportunity of hearing to the petitioners, expeditiously and preferably within a period of three months from the date of receipt/ production of a copy of this order. In case the Authorized Officer- cum- Divisional Forest Officer, Rohtas at Sasaram is not able to dispose of the



confiscation proceeding within the period stipulated, for reasons not attributable to the petitioners, then he shall consider their individual application for provisional release of their vehicles in question, which is subject matter of the confiscation proceeding and dispose of the same within a maximum period of four weeks thereafter bearing in mind the law laid down by the Apex Court as well as this Court in connection with provisional release of seized vehicle.

With the aforementioned observation and direction, these writ applications are disposed of.

Bibhash/-

(Jyoti Saran, J)

NAFR	NAFR
CAV DATE	
Uploading Date	23.01.2017
Transmission Date	

