

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.2078 of 2017

Arising Out of PS.Case No. -null Year- null Thana -null District- JAMUI

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1. Basudeo Yadav Son of Amrit Yadav, R/o Village- Baijia, Tola, Foksa, Jhajha,
District- Jamui.

.... Petitioner/s

Versus

1. The State of Bihar Through The Principal Secretary, Department of Forest And Environment, Government of Bihar, Patna .
2. The Principal Secretary, Department of Forest and Environment , Government of Bihar, Patna.
3. The District Magistrate, Jamui, District- Jamui.
4. The District Forest Officer, Jamui.
5. The Staion Head Officer, Sono P.S., District- Jamui.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prakash Kumar, Advocate
For the Respondent/s : Mr. Raghwanand, GA-11
Mr. Rajan, AC to GA-XI

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 20-12-2017

Heard learned counsel for the parties.

2. This writ application has been preferred for release of the vehicle bearing registration No.WB-39A/5134 in connection with Confiscation Case No.10 of 2016, arising out of Forest Apradh Report No.23P dated 04.10.2016.

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 released in favour of the petitioner by way of ad interim custody on execution of **bank guarantee of Rs.10,00,000/- (Ten Lacs) or sale deed of immovable property of equal value standing in the name of the petitioner** 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. Further proceeding of Confiscation Case No.10 of 2016 shall remain stayed till disposal of the L.P.A. aforesaid.

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

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.12.2017
Transmission Date	21.12.2017

