

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1144 of 2017

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1. Ajay Kumar son of Sri Bajrangi Sah, Resident of Village- Loko Dehri,
Police Station- Chauri, District- Bhojpur Petitioner

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.
4. The Forest Range Officer, Tilauthu, District- Rohtas Respondents

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Appearance :

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

For the Respondents : Mr. Sarvesh Kumar Singh(Aag13)

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 21-08-2017

Heard the parties.

The petitioner has invoked the writ jurisdiction of this Court for quashing the entire proceeding of Forest Case No. 44 of 2017 as well as for release of the seized truck bearing registration no. HR-55L-6798.

Submission of the learned counsel for the petitioner is that the power of executive authority to confiscate the seized vehicle, which is exercisable by a judicial authority is subjudice before a larger Bench of this Court in **L.P.A. No. 1647 of 2015 (Baleshwar Roy Vrs. The State of Bihar & Ors.)**. The refusal to release the vehicle is mainly on the ground that the confiscation proceeding is pending. He, further, submits that no purpose is going to be served by continued detention of the vehicle in custody.

To protect the seized vehicle as well as to facilitate its use by the petitioner and also considering the fact that no useful purpose is going on to be served by continued detention, the authorities are competent to charge the cost of the vehicle at the time of final order of confiscation.

Hence, let the above referred vehicle be released in favour of the petitioner by way of ad interim custody on execution



of surety bond of Rs.20,00,000/- (rupees twenty lakh) to the satisfaction of the Forest Officer with the following conditions :

“(i) The petitioner shall furnish all the necessary papers/documents of ownership and security bonds (which will not include cash or bank guarantee) as may be deemed fit and proper by the Divisional Forest Officer-cum-Authorized Officer, Rohtas Forest Division, Rohtas at Sararam.

(ii) The petitioner shall undertake, in writing, that the vehicle, in question, shall neither be alienated nor be transferred in favour of any third party during the pendency of the confiscation proceeding and that the vehicles, in question, shall be produced as and when called upon or required in the confiscation proceeding or otherwise.”

Further proceeding in connection with the aforesaid case shall remained stayed till further orders.

The interim release shall be subject to the result of pending Letters Patent Appeal.

With the aforesaid observations, this application stands **disposed off**.

(Birendra Kumar, J)

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