

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1341 of 2017

=====

1. Surendra Singh Son of Dudheshwar Singh, R/o Village- Muzaffarpur,
P.O.- Baruhi, P.S.- Sabar, District- Bhojpur Petitioner

Versus

1. The State of Bihar Through The Principal Secretary, Department of
Forest And Environment, Bihar, Patna & Ors
2. The Divisional Forest Officer-Cum-Authorised Officer, Rohtas Division,
Rohtas.
3. The Forester Tilauthu Range, Rohtas (Sasaram) Respondents

=====

Appearance :

For the Petitioner : Mr. Sanjay Kumar Tiwary, Adv.
For the Respondents : Mr. Gajendra Prasad Yadav, SC XVII

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 31-08-2017 Heard the parties.

The truck of the petitioner, bearing registration no. JH-02D-7314, was seized in connection with Firest Case No. 50 of 2017 for alleged violation of Forest Laws.

Thereafter, the confiscation proceeding has been stated by the Divisional Forest Officer-Cum-Authorised Officer, Rohtas Division, Rohtas, vide Confiscation Case No. 119 of 2017, at Annexure 4.

Learned counsel for the petitioner prays for interim release of the said truck on the ground that the power of the 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.)**. He, further, submits that no purpose is going to be served by continued detention of the vehicle in custody.

Considering the aforesaid pendency of issue before the larger Bench, let the aforesaid truck be released in favour of



the petitioner by way of interim custody on execution of surety bond of Rs. 20,00,000/- (rupees twenty lakh) (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 bond and will not dispose of the aforesaid vehicle without the permission of the Court.

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

Further proceedings of Confiscation Case No. 119 of 2017 shall remain stayed.

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

(Birendra Kumar, J)

SA/-

U	✓	T	✓
---	---	---	---

