

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2254 of 2017

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Yogendra Kumar Singh, S/o Singhasan Singh, R/o Village- Kadamganchh Gali,
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

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Appearance :

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

For the Respondent/s : Mr. Lokesh Kumar Singh, AC to AAG-13

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL JUDGMENT

Date: 26-10-2018

The present writ petition has been filed for issuance of an appropriate direction to the respondent no.4 to release the vehicle in question inasmuch as though the said vehicle was seized on 31.05.2016 and an application was made by the petitioner for release of the said vehicle on 08.11.2016, the said application of the petitioner for release of the vehicle has not been disposed of till date and there has been an inordinate delay on the part of the respondent no.4.

2. The learned counsel for the petitioner has submitted that the admitted fact is that the vehicle of the petitioner herein bearing Registration No. BR24GA/3258 was seized while the same was loaded with alleged illegal mines Stone Metals and a Confiscation Case No. 171 of 2016 was initiated thereafter by the respondent no.4 as well as Forest Case No. 78 of 2016 was also registered.



3. The learned counsel for the petitioner has relied upon an order of the Division Bench of this Court dated 02.08.2018 passed in *LPA No. 981 of 2018 (Chandan Kumar Vs. The State of Bihar and others)* as well as the decision of this Court in the case of **Sitaram Singh & Anr. Vs. The State of Bihar and Ors.**, passed in C.W.J.C. No. 18311 of 2015. It has been submitted that under similar circumstances, this Court has been pleased to direct the authorized officer to release the respective vehicle in favour of the petitioner subject to certain conditions mentioned therein.

4. The learned counsel appearing for the respondents has not denied the fact that the application of the petitioner for release of the vehicle has not been disposed of till date even after an inordinate delay.

5. Having considered the rival submissions made by the learned counsel for the parties, this Court is of the opinion that since the vehicles are lying under the open sky unattended and has been left to face the vagaries of weather, it would not be in the interest of justice to let the vehicle rot and become redundant and of no use to any one.

6. Having regard to the facts and circumstances of the case as also considering the aforesaid judgments referred to by the learned counsel for the petitioner, it would be in the interest of justice to direct the respondent no.4 to release the vehicle in favour of the petitioner within four weeks from the date of receipt/production of a copy of the order of this Court, subject to fulfillment of the following conditions:

“(a) The petitioner shall produce original papers supporting the ownership of the vehicle in question including the registration papers, the insurance paper, the tax token and the pollution certificate.

(b) The petitioner shall file an undertaking in the



form of an affidavit that he shall not alienate the vehicle or transfer the vehicle in favour of any third party during the pendency of the confiscation proceedings and shall produce the vehicle as and when required in the confiscation proceedings.

(c) The petitioner shall furnish such security as deem fit and proper by the Divisional Forest Officer-cum-Authorized Officer, Rohtas at Sasaram which shall neither be in the form of cash nor bank guarantee.

(d) The release of the vehicle shall be governed by the final outcome of the confiscation proceedings.”

7. The present writ petition is disposed of with the aforesaid directions.

(Mohit Kumar Shah, J)

BTiwary/Md. Rashid

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	05.11.2018
Transmission Date	N/A

