

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.663 of 2018

=====

Anup Kumar Gupta, aged 24 years, Son of Kanhai Prasad, Resident of Mohalla- East Mohan Bigha, P.O. and P.S.- Dehri-on-Sone, 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, Sasaram Range, Rohtas (Sasaram).

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Tiwary

For the Respondent/s : Mr. Kumar Manish

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 27-04-2018 Heard learned counsel for the petitioner and learned counsel representing the State.

Petitioner has prayed for release of the vehicle Truck bearing Reg. No. HR-38H-2675, which has been seized by the police in connection with Forest Case No. 02 of 2018, District Rohtas at Sasaram for the offence under Sections 33, 41 and 42 of the Forest Act. It is alleged that the vehicle in question was carrying stone chips illegally.

Learned counsel for the petitioner submits that the petitioner is ready and willing to abide by the terms and conditions which may be imposed by this Court for provisional release of the



vehicle in question.

Considering the facts and circumstances, pending initiation or finalization of the confiscation proceeding, let the vehicle (not stone chips) of the petitioner be released provisionally within one week from the date of production of proof of ownership and registration of the vehicle in favour of the petitioner subject to the following conditions:-

(i) Petitioner shall furnish surety bond of Rs. 15,00,000/- (fifteen lakhs) (not in form of bank guarantee or cash) with two sureties of the like amount to the satisfaction of the Divisional Forest Officer cum Authorized Officer, Rohtas at Sasaram/authority concerned.

(ii) The petitioner shall also give an undertaking that he will not deal with the vehicle in question and shall not alienate or encumber the same creating any kind of adverse interest against the interest of the State, he will not use the vehicle for any illegal purpose and as and when required, he will produce the vehicle in question before the competent court/authority.

(iii) At the time of release, the concerned



authority/court shall get prepared a photograph duly certified in presence of the petitioner and panchnama of the vehicle in question shall also be prepared and keep the same on record which may be used as secondary evidence.

(iv) Petitioner shall undertake not to challenge the said photograph and panchnama so prepared in his presence at the time of release of vehicle in question for use in course of trial or the confiscation proceeding, as the case may be.

The application stands disposed of.

(Rajeev Ranjan Prasad, J)

Arvind/-

U		T	
---	--	---	--

