

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10467 of 2018

IN

Cr. WJC 998 of 2018

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Dharmendra Kumar, Son of Surendra Kumar Singh, resident of Village-
Muzaaffarpur, P.S. Sahar, District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Forest and Environment, Bihar, Patna.
2. The District Magistrate cum Appellate Authority, Rohtas at Sasaram.
3. The Divisional Forest Officer cum Authorised Officer, Rohtas, Forest Division, Rohtas at Sasaram.
4. The Forester Tilauthu, Rohtas.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Tiwary

For the Respondent/s : Mr. Chitranjan Sinha- PAAG2

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL JUDGMENT

Date: 26-10-2018

1. The present writ petition has been filed for release of the vehicle bearing registration no. BR-01GA-5237 of the petitioner herein.

2. The brief facts of the case are that the vehicle of the petitioner was confiscated while it was found loaded with alleged illegal stone chips and the said seizure of the vehicle was made on 13.11.2016 by the respondent no. 4, whereafter confiscation proceedings bearing confiscation case no. 25 of 2017 (D) (Forest case no. 125 of 2016) was initiated, however the respondent no. 3 by an order dated 28.06.2017 has been pleased to pass an order of



confiscation of the vehicle in question. The petitioner had thereafter preferred an appeal before the respondent no. 2 i.e. the appellate authority against the aforesaid order dated 28.06.2017 and the appeal is said to be still pending for adjudication.

3. It is the contention of the learned counsel for the petitioner that during the pendency of the appeal, the vehicle of the petitioner ought to be released, inasmuch as the same would become rotten and become redundant and incapable of any use on account of the vagaries of weather since the same is lying in the open sky. The learned counsel for the petitioner has relied upon a judgment dated **06.03.2017** passed by a learned Division Bench of this Court to contend that during the pending appeal arising out of confiscation order passed by the authorized Forest-cum-Divisional Forest Officer, the vehicle has been directed to be released, under similar circumstances, subject to certain conditions.

4. I have perused the order dated **06.03.2017** passed by the learned Division Bench in **L.P.A. no. 386 of 2017** and I find that the learned Division Bench had directed for release of the vehicle in question, during the pendency of the appeal arising out of confiscation order, and the same position exist in the present case as well. In such view of the matter, I direct that the vehicle in question i.e. (BR-01GA-5237) be released provisionally to the satisfaction of Collector-cum-Appellate Authority, Rohtas at Sasaram on fulfillment of the following



conditions :-

(i) The petitioner shall furnish all the necessary papers/ documents of ownership and security bonds (which will not include Bank Guarantee) as may be deemed fit and proper by the Collector-cum-Appellate Authority, Rohtas at Sasaram

(ii) The appellant 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 appeal and that the vehicles, in question, shall be produced as and when called upon or required in the confiscation proceeding or otherwise.

5. The writ petition is disposed of with the aforesaid directions.

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	31.10.2018
Transmission Date	NA

