

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1681 of 2018

Arising Out of PS. Case No.-16 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Rohtas

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Virendra Prasad S/o Ram Lakhan Prasad, R/o Station Road Gaya, P.S.- Gaya,
District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar, Through The Principal Secretary, Department of Forest And Environment, Bihar, Patna.
2. The District Magistrate, Rohtas at Sasaram.
3. The Divisional Forest Officer Cum Authorized officer, Rohtas Forest Division, Sasaram, District- Rohtas.
4. The Forest (Special), Sasaram Forest Region, District- Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rajani Kant Singh
For the Respondent/s	:	Mr. Anant Prasad Singh (Sc-15)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 23-07-2018 Heard learned counsel for the petitioner and the State.

The petitioner, though has preferred this petition seeking quashing of the FIR pertaining to Forest Case No. 16 of 2018 dated 02.06.2018, but during the course of argument, the learned counsel appearing for him has limited his prayer for release of his vehicle which was intercepted by the local police for violation of some of the provisions of Forest Act.

Mr. Rajani Kant Singh, learned counsel for the petitioner has submitted that the subject FIR was lodged after the interception of his vehicle which was found to be loaded with stone chips. It has been alleged that



since the stone chips is a forest produce and was extracted from the protected forest area, the petitioner being the owner of the vehicle is also guilty of violating the provisions in that regard.

It has been submitted on behalf of the petitioner that stone chips is not a forest produce. Apart from this, no forest officer has initiated the case; rather it has been lodged by the local police. For a person to be prosecuted under Forest Act, certain preliminary requirements are to be followed specially a notice to the person concerned for facing charges under the provisions of the Forest Act.

Be that as it may, the petitioner has not prayed for quashing of the subject FIR but has limited his prayer to the release of his vehicle bearing Registration No. BR-02M/8341.

The petitioner submits that he is ready and willing to abide by the terms and conditions which may be imposed by the court below for provisional release of the vehicle in question.

Considering the aforesaid facts and circumstances, pending initiation or finalisation of the confiscation proceedings, the vehicle of the petitioner, bearing Registration No. BR-02M/8341 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 in connection with Forest Case No. 16 of 2018 subject to the following conditions:-

(i). Petitioner shall furnish surety bond (not in form of bank guarantee or cash) for the value of the vehicle in question as indicated in the insurance document 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 vehilce in question for use in course of trial or the confiscation proceeding, as the case may be.

(v). The release of the vehicle, however, shall be subject to the result of the confiscation proceedings.

The petition is disposed off with the aforesaid direction.

(Ashutosh Kumar, J)

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